THE INDIA ACTS

AND

THE MADRAS ACTS

1945

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INDIA ACTS, 1945.

THE INDIAN FINANCE ACT, 1945.

[31*st March,* 1945.

An Act to give effect to the financial proposals of the Central Government for the year beginning on the 1*st day of April,* 1945.

WHEREAS it is expedient to fix the duty on salt manufactured in, or imported by land into, British India, to fix maximum rates of postage under the Indian Post Office Act, 1898 (VI of 1898), to continue for a further period of one year the additional duties of customs imposed by section 6 of the Indian Finance Act, 1942 (XII of 1942) and to modify certain of those duties, to alter the duty of customs and the duty of excise on tobacco, to fix rates of income-tax and super-tax, and to continue the charge and levy of excess profits tax;

It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called THE INDIAN FINANCE ACT, 1945.

(2) It extends to the whole of British India.

Fixation of salt duty.

2. The duty on salt manufactured in, or imported by land into, British India shall, for the year beginning on the 1st day of April, 1945, be at the rate of one rupee and nine annas per standard maund.

Inland postage rates.

3. For the year beginning on the 1st day of April, 1945, the Schedule contained in the First Schedule to this Act shall be inserted in the Indian Post Office Act, 1898 (VI of 1898), as the First Schedule to that Act.

Continuation of, and enhancement of, additional duties of customs imposed by section 6, Act XII of 1942.

4. (1) The additional duties of customs on certain goods chargeable with a duty of customs under the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), or under the said Schedule read with any notification of the Central Government for the time being in force, imposed up to the 31st day of March, 1943, by section 6 of the Indian Finance Act, 1942 (XII of 1942), and continued, subject to certain modifications, up to the 31st day of March, 1945, by section 4 of the Indian Finance Act, 1944, shall continue to be levied and collected as provided in section 6 of the Indian Finance Act, 1942 (XII of 1942), up to the 31st day of March, 1946, subject to the modifications contained in sub-section (2).

(2) The additional duty to be levied and collected under the foregoing sub-section shall be one-half instead of one-fifth of the amount of the duty of customs specified in the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), in the case of spirits, comprised in Item No. 22 (4) and in sub-items (*a*), (*c*) and (*d*) of Item No. 22 (5) of the said Schedule; and no such additional duty shall be levied or collected on tobacco comprised in Items Nos. 24, 24 (1), 24 (2) and 24 (3) of the said Schedule.

Alteration of duty of customs on tobacco.

5. In the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934),—

(*a*) in Item No. 24, for the entry in the fourth column the entry "Rs. 8 per lb." shall be substituted;

(*b*) in Item No. 24 (1), for the entry in the fourth column the following shall be substituted, namely:—

"The rate at which duty is for the time being leviable on articles included in Item No. 87 of this Schedule under this Act read with any other enactment in force, *plus* Rs. 7-8 per lb.";

(*c*) in Item No. 24 (2), for the entry in the fourth column the following shall be substituted, namely:—

"The rate at which duty is for the time being leviable on articles included in Item No. 87 of this Schedule under this Act read with any other enactment in force *plus* Rs. 18-12 per thousand or Rs. 7-8 per lb. whichever is higher.";

(*d*) in Item No. 24 (3), for the entries in the fourth and sixth columns, respectively, the entries "Rs. 7-8 per lb." and "Rs. 7 per lb." shall be substituted.

Alteration of duty of excise on tobacco.

6. In the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944), in Item No. 9, under the heading "I. Unmanufactured tobacco",—

(*a*) for the entries (*i*), (*ii*) and (*iii*) contained in sub-item (1) beginning—

"(1) if flue-cured and intended for—

(*a*) manufacture into cigarettes containing—",

the following shall be substituted, namely:—

	Per lb.
" (*i*) more than 60 per cent. weight of imported tobacco	Seven rupees and eight annas.
(*ii*) more than 40 per cent, but not more than 60 per cent. weight of imported tobacco	Five rupees.
(*iii*) more than 20 per cent. but not more than 40 per cent. weight of imported tobacco	Three rupees and eight annas.
(*iv*) 20 per cent. or less than 20 per cent. weight of imported tobacco	Two rupees and eight annas.
(*v*) no imported tobacco	One rupee ";

and in the second column of clause (*b*) of that sub-item, for the words "Three rupees and eight annas" the words "Seven rupees and eight annas" shall be substituted;

(*b*) in sub-item (4), the word "stems" shall be omitted.

Income-tax and super-tax.

7. (1) Subject to the provisions of sub-sections (3), (4) and (5),—

(*a*) income-tax for the year beginning on the 1st day of April, 1945, shall be charged at the rates specified in Part I of the Second Schedule increased in each case by a surcharge for the purposes of the Central Government at the rate specified therein in respect of each such rate of income-tax, and

(*b*) rates of super-tax for the year beginning on the 1st day of April, 1945, shall, for the purposes of section 55 of the Indian Income-tax Act, 1922 (XI of 1922), be those specified in Part II of the Second Schedule increased in the cases to which paragraphs A, B and C of that Part apply by a surcharge for the purposes of the Central Government at the rate specified therein in respect of each such rate of super-tax.

(2) If any provision is made in the Indian Income-tax Act, 1922 (XI of 1922), for the exemption from income-tax of a portion of the earned income included in the total income of an assessee, then, in making any assessment for the year ending on the 31st day of March, 1946, there shall be deducted from the total income of an assessee in accordance with such provision an amount equal to one-tenth of such earned income exclusive of any income chargeable under the head "Salaries" but not exceeding in any case two thousand rupees.

(3) In making any assessment for the year ending on the 31st day of March, 1946, where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" or under the head "Interest on Securities" or any income from dividends in respect of which he is deemed under section 49-B of the Indian Income-tax Act, 1922 (XI of 1922), to have paid income-tax imposed in British India, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Indian Finance Act, 1944, on his total income the same proportion as the amount of such inclusions bears to his total income.

(4) In making any assessment for the year ending on the 31st day of March, 1946,—

(*a*) where the total income of a company includes any profits and gains from life insurance business, the super-tax payable by the company on that part of its total income which consists of such inclusion shall be at the rate of six pies in the rupee;

(*b*) where the total income of an assessee, not being a company, includes any profits and gains from life insurance business, the income-tax and super-tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of such taxes payable according to the rates applicable under the operation of the Indian Finance Act, 1942 (XII of 1942), on his total income the same proportion as the amount of such inclusion bears to his total income, so, however, that if

the aggregate of the taxes so computed in respect of such inclusion exceeds the aggregate of the taxes on the same income payable by a company under the operation of the Indian Finance Act, 1942 (XII of 1942), the taxes payable on such inclusion shall be computed at the rates applicable to a company under the operation of the said Act.

(5) In cases to which section 17 of the Indian Income-tax Act, 1922 (XI of 1922), applies, the tax chargeable shall be determined as provided in that section but with reference to the rates imposed by sub-section (1) of this section, and in accordance with the provisions of sub-sections (3), and (4) of this section where applicable.

(6) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Indian Income-tax Act, 1922 (XI of 1922); and the expression "earned income" means earned income as defined for the purposes of the said Act.

(7) Where the total income of an assessee referred to in paragraph A of Part I of the Second Schedule does not exceed six thousand rupees, an amount representing one rupee for every complete unit of two hundred rupees of his total income as reduced by the income, if any, exempt from tax under any provision of the Indian Income-tax Act, 1922 (XI of 1922), or any notification issued thereunder shall be funded for the assessee's benefit and shall be paid to him on such date not more than twelve months after the termination of the present hostilities, as the Central Government may fix:

Provided that the amount to be funded for the assessee's benefit shall in no case exceed two-fifths of the tax payable by him.

Explanation.—In computing the amount to be funded under this sub-section if there is an incomplete unit amounting to one hundred rupees or more it shall be reckoned as a complete unit of two hundred rupees.

(8) Notwithstanding anything contained in sub-section (7) of section 6 of the Indian Finance Act, 1944, the amount to be funded for the assessee's benefit under the provisions of that sub-section shall in no case exceed two-fifths of the amount of tax payable by him in respect of his assessment for the year ending on the 31st day of March, 1945.

(9) The provisions of section 23-A of the Indian Income-tax Act, 1922 (XI of 1922), shall not apply in respect of profits and gains of the previous year for the assessment for the year ending on the 31st day of March, 1946.

Continuance of and rate of excess profits tax.

8. (1) In sub-clause (*a*) of clause (6) of section 2 of the Excess Profits Tax Act, 1940 (XV of 1940), for the words and figures "31st day of March, 1945," the words and figures "31st day of March, 1946," shall be substituted.

(2) The excess profits tax imposed by section 4 of the Excess Profits Tax Act, 1940 (XV of 1940) shall, in respect of any chargeable accounting period beginning after the 31st day of March, 1945, be an amount equal to sixty-six and two-thirds per cent. of the amount by which the profits of the business during that chargeable accounting period exceed the standard profits.

THE FIRST SCHEDULE.

Schedule to be inserted in the Indian Post Office Act, 1898

(*See* section 3)

"THE FIRST SCHEDULE.

INLAND POSTAGE RATES.

(*See* section 7)

Letters

For a weight not exceeding one tola	One and a half annas
For every tola, or fraction thereof, exceeding one tola	One anna.

Postcards

Single	Nine pies.
Reply	One and a half annas

Book, Pattern and Sample Packets

For the first five tolas or fraction thereof	Nine pies.
For every additional two and a half tolas, or fraction thereof, in excess of five tolas	Three pies.

Registered Newspapers

For a weight not exceeding ten tolas . . .	Quarter of an anna.
For a weight exceeding ten tolas and not exceeding twenty tolas.	Half an anna.
For every twenty tolas or fraction thereof, exceeding twenty tolas	Half an anna.
In the case of more than one copy of the same issue of a registered newspaper being carried in the same packet—	
For a weight not exceeding ten tolas . .	Half an anna.
For every additional five tolas, or fraction thereof, in excess of ten tolas	Quarter of an anna.
Provided that such packet shall not be delivered at any addressee's residence but shall be given to a recognised agent at the post office.	

Parcels

For a weight not exceeding forty tolas	Six annas.
For every forty tolas, or fraction thereof, exceeding forty tolas	Six annas."

"THE SECOND SCHEDULE.

(See section 7)

PART I

Rates of Income-tax.

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons not being a case to which paragraph B of this Part applies:—

	Rate	Surcharge
1. On the first Rs. 1,500 of total income . .	*Nil.*	*Nil.*
2. On the next Rs. 3.500 of total income . .	Nine pies in the rupee.	Six pies in the rupee.
3. On the next Rs 5,000 of total income . .	One anna and three pies in the rupee.	Ten pies in the rupee.
4. On the next Rs. 5,000 of total income . .	Two annas in the rupee.	One anna and six pies in the rupee.
5. On the balance of total income . . .	Two annas and six pies in the rupee.	Two annas and three pies in the rupee:

Provided that—

(*i*) no income-tax shall be payable on a total income which, before deduction of the allowance, if any, for earned income, does not exceed Rs. 2,000;

(*ii*) the income-tax payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds Rs. 2,000;

(*iii*) the income-tax payable on the total income as reduced by the allowance for earned income shall not exceed either—

(*a*) a sum bearing to half the amount by which the total income (before deduction of the allowance for earned income) exceeds Rs. 2,000 the same proportion as such reduced total income bears to the unreduced total income, or

(*b*) the income-tax payable on the income so reduced at the rates specified in this Schedule,

whichever is less.

B.—In the case of every company and local authority, and in every case in which under the provisions of the Indian Income-tax Act, 1922, income-tax is to be charged at the maximum rate—

	Rate	Surcharge
On the whole of total income . .	Two annas and six pies in the rupee.	Two annas and three pies in the rupee.

PART II

Rates of Super-tax.

A.—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which paragraphs B and C of this Part apply—

	Rate	Surcharge
1. On the first Rs. 25,000 of total income .	*Nil.*	*Nil*
2. On the next Rs. 10,000 of total income	One anna in the rupee.	One anna in the rupee.
3. On the next Rs. 20,000 of total income .	Two annas in the rupee.	Two annas in the rupee.
4. On the next Rs. 70,000 of total income .	Three annas in the rupee.	Two annas and six pies in the rupee.
5. On the next Rs. 75,000 of total income .	Four annas in the rupee,	Three annas in the rupee.
6. On the next Rs. 1,50,000 of total income	Five annas in the rupee.	Three annas in the rupee.
7. On the next Rs. 1,50,000 of total income	Six annas in the rupee.	Three annas in the rupee.
8. On the balance of total income	Seven annas in the rupee.	Three annas and six pies in the rupee.

B.—In the case of every local authority—

	Rate	Surcharge
On the whole of total income	One anna in the rupee.	One anna in the rupee.

C.—In the case of an association of persons being a co-operative society, other than the Sanikatta Saltowners' Society in the Bombay Presidency, for the time being registered under the Co-operative Societies Act, 1912, or under an Act of the Provincial Legislature governing the registration of Co-operative Societies—

	Rate	Surcharge
1. On the first Rs. 25,000 of total income .	*Nil.*	*Nil.*
2. On the balance of total income	One anna in the rupee.	One anna in the rupee.

D.—In the case of every company—

	Rate
On the whole of total income	Three annas in the rupee:

Provided that a rebate of one anna in the rupee shall be allowed on the total income as reduced by the amount of any dividend declared in British India in respect of the whole or part of the previous year for the assessment for the year ending on the 31st day of March, 1946, not being a dividend payable at a fixed rate.

Explanation.—For the purposes of this proviso, the expression 'dividend' shall be deemed to include any distribution included in the expression 'dividend' as defined in clause (6-A) of section 2 of the Indian Income-tax Act, 1922, and any such distribution made during the year ending on the 31st day of March, 1946, shall be deemed to have been made in respect of the whole or part of the previous year.

THE INDIAN TEA CONTROL (AMENDMENT) ACT, 1945.

ACT No. I OF 1945.

[*27th March,* 1945.

An Act further to amend the Indian Tea Control Act, 1938.

WHEREAS it is expedient further to amend the Indian Tea Control Act, 1938 (VIII of 1938), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title. 1. This Act may be called THE INDIAN TEA CONTROL (AMENDMENT) ACT, 1945.

Amendment of Schedule, Act VIII of 1938. 2. In the Schedule to the Indian Tea Control Act, 1938, in paragraph 1—

(a) for the proviso to clause (a), the following proviso shall be substituted, namely:—

"Provided that any allowance made in respect of young areas which has already been included in determining the cardinal crop basis of the estate shall be deducted.";

(b) for the proviso to clause (b), the following proviso shall be substituted, namely:—

"Provided that any allowance made in respect of low producing areas which has already been included in determining the cardinal crop basis of the estate shall be deducted."

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1945.

ACT No. II OF 1945.

[29th March, 1945.

An Act further to amend the Code of Criminal Procedure, 1898, *for certain purposes.*

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898), for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title. 1. This Act may be called THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1945.

Amendment of section 161, Act V of 1898. 2. To section 161 of the Code of Criminal Procedure, 1898 (V of 1898), the following sub-section shall be added, namely:—

"(3) The police-officer may reduce into writing any statement made to him in the course of an examination under this section, and if he does so he shall make a separate record of the statement, of each such person whose statement he records".

Amendment of section 426, Act V 1898. 3. After sub-section (2) of section 426 of the said Code, the following sub-section shall be inserted, namely:—

"(2-A) When any person other than a person accused of a non-bailabe offence is sentenced to imprisonment by a Court, and an appeal lies from that sentence, the Court may, if the convicted person satisfies the Court that he intends to present an appeal, order that he be released on bail for a period sufficient in the opinion of the Court to enable him to present the appeal and obtain the orders of the Appellate Court under sub-section (1) and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended."

THE FACTORIES (AMENDMENT) ACT, 1945.

ACT No. III OF 1945.

[16th April, 1945.

An Act further to amend the Factories Act, 1934.

WHEREAS it is expedient further to amend the Factories Act, 1934 (XXV of 1934), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and Commencement. 1. (1) This Act may be called THE FACTORIES (AMENDMENT) ACT, 1945.

(2) It shall come into force on the 1st day of January, 1946.

Insertion of new section 35-A in Act XXV of 1934. 2. After section 35 of the Factories Act, 1934 (XXV of 1934) (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

"35-A. *Compensatory holidays.*—(1) Where, as a result of the passing of an order or the making of a rule under the provisions of this Act exempting a factory or the workers therein from the provisions of section 35, a worker is deprived of any of the weekly holidays for which provision is made by sub-section (1) of that section, he shall be allowed, as soon as circumstances permit, compensatory holidays of equal number to the holidays so lost.

(2) The Provincial Government may make rules prescribing the manner in which the holidays, for which provision is made in sub-section (1), shall be allowed."

Insertion of new Chapter IV-A in Act XXV of 1934. 3. After Chapter IV of the said Act the following Chapter shall be inserted, namely:—

"CHAPTER IV-A.

HOLIDAYS WITH PAY.

49-A. *Application of Chapter.*—(1) The provisions of this Chapter shall not apply to a seasonal factory.

(2) The provisions of this Chapter shall not operate to the prejudice of any rights to which a worker may be entitled under any other enactment, or under the terms of any award, agreement or contract of service.

49-B. *Annual holidays.*—(1) Every worker who has completed a period of twelve months continuous service in a factory shall be allowed, during the subsequent period of twelve months, holidays for a period of ten or, if a child, fourteen consecutive days, inclusive of the day or days, if any, on which he is entitled to a holiday under sub-section (1) of section 35.

(2) If a worker fails in any one such period of twelve months to take the whole of the holidays allowed to him under sub-section (1), any holidays not taken by him shall be added to the holidays to be allowed to him under sub-section (1) in the succeeding period of twelve months, so however that the total number of days holidays which may be carried forward to a succeeding period shall not exceed ten or, in the case of a child, fourteen.

(3) If a worker entitled to holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if, having applied for and having been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under section 49-C in respect of the holidays.

Explanation.—A worker shall be deemed to have completed a period of twelve months continuous service in a factory notwithstanding any interruption in service during those twelve months brought about by sickness, accident or authorised leave not exceeding ninety days in the aggregate for all three, or by a lock-out, or by a strike which is not an illegal strike, or by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorised leave shall be deemed not to include any weekly holiday allowed under section 35 which occurs at the beginning or end of an interruption brought about by the leave.

49-C. *Pay during annual holidays.*—Without prejudice to the conditions governing the day or days, if any, on which the worker is entitled to a holiday under sub-section (1) of section 35, the worker shall, for the remaining days of the holidays allowed to him under section 49-B, be paid at a rate equivalent to the daily average of his wages as defined in the Payment of Wages Act, 1936 (IV of 1936), for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

49-D. *Payment when to be made.*—A worker who has been allowed holidays under section 49-B shall, before his holidays begin, be paid half the total pay due for the period of holidays.

49-E. *Power of Inspector to act for worker.*—Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

49-F. *Power to make rules.*—(1) The Provincial Government may make rules to carry into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power rules may be made under this section prescribing the keeping by employers of registers showing such particulars as may be prescribed and requiring such registers to be made available for examination by Inspectors.

(3) The Central Government may give directions to a Province as to the carrying into execution of the provisions of this section.

49-G. *Exemption of factories from provisions of this Chapter.*—Where the Provincial Government is satisfied that the leave rules applicable to workers in a factory provide benefits substantially similar to those for which this Chapter makes provision, it may, by written order, exempt the factory from the provisions of this Chapter."

Amendment of section 60, Act XXV of 1934.

4. In section 60 of the said Act,—

(*a*) at the end of clause (*f*), the word "or" shall be added;

(*b*) after clause (*f*) as so amended, the following clause shall be inserted, namely:—

"(*g*) there is any contravention of section 49-B, 49-C or 49-D, or of any rule made under section 49-F".

Amendment of section 61, Act XXV of 1934.

5. In section 61 of the said Act, for the brackets and letter "(*f*)", the brackets and letter "(*g*)" shall be substituted.

THE INDIAN COMPANIES (AMENDMENT) ACT, 1945.

ACT No. IV OF 1945.

[16th April, 1945.

An Act further to amend the Indian Companies Act, 1913.

WHEREAS it is expedient further to amend the Indian Companies Act, 1913 (VII of 1913), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN COMPANIES (AMENDMENT) ACT, 1945.

Amendment of section 282-B, Act VII of 1913.

2. To section 282-B of the Indian Companies Act, 1913, the following sub-section shall be added, namely:—

"(6) Nothing in sub-section (2) shall affect any rights of an employee under the rules of a provident fund to obtain advances from or to withdraw money standing to his credit in the fund, where the fund is a recognized provident fund within the meaning of clause (a) of section 58-A of the Indian Income-tax Act, 1922 (XI of 1922), or, the rules of the fund contain provisions corresponding to rules 4, 5, 6, 7, 8 and 9 of the Indian Income-tax (Provident Funds Relief) Rules."

THE INDIAN MERCHANDISE MARKS (AMENDMENT) SUPPLEMENTARY ACT, 1945.

ACT No. V OF 1945.

[16th April, 1945.

An Act to amend the Indian Merchandise Marks (Amendment) Act, 1941.

WHEREAS it is expedient to amend the Indian Merchandise Marks (Amendment) Act, 1941, for the purposes hereinafter appearing:

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN MERCHANDISE MARKS (AMENDMENT) SUPPLEMENTARY ACT, 1945.

Amendment of section 7, Act II of 1941.

2. In section 7 of the Indian Merchandise Marks (Amendment) Act, 1941 (hereinafter referred to as the said Act), in the new section substituted by the said section for section 12 of the Indian Merchandise Marks Act, 1889 (IV of 1889),—

(a) in sub-section (2),

(i) for the words "cotton sewing or darning thread" the words "cotton thread namely sewing, darning, crochet or handicraft thread" shall be substituted;

(ii) for the words and figures "in premises which are a factory, as defined in the Factories Act, 1934," the words and figures "in any premises not exempted by rules made under section 20 of this Act" shall be substituted;

(iii) for the words and figures "any rules made under section 20 of this Act" the words "the said rules" shall be substituted;

(iv) for the words 'marked with the weight of thread in the unit" the words "marked with the length or weight of thread in the unit" shall be substituted;

(v) for the words "the grist number" the words "in such other manner as may be required by the said rules" shall be substituted;

(vi) for the words "from the factory" the words "from the premises" shall be substituted;

(vii) the following proviso shall be added, namely:—

"Provided that the rules made under section 20 shall exempt all premises where the work is done by the members of one family with or without the assistance of not more than ten other employees, and all premises controlled by a co-operative society where not more than twenty workers are employed in the premises."

(b) in sub-section (3), for the words "or any cotton sewing or darning thread" the words "or any such thread" shall be substituted.

Substitution of new section for section 9, Act II of 1941.

3. For section 9 of the said Act, the following section shall be substituted, namely:—

"9. *Amendment of section* 20, *Act IV of* 1889.—In section 20 of the said Act, after sub-section (1) the following sub-section shall be inserted, namely:—

'(1-A) The Central Government may make rules providing for the manner in which for the purposes of section 12 cotton yarn and cotton thread shall be marked with the particulars required by that section, and for the exemption of certain premises used for the manufacture, bleaching, dyeing or finishing of cotton yarn or cotton thread from the provisions of that section'."

Amendment of section 10, Act II of 1941.

4. In section 10 of the said Act, in clause (c), in the new clause (j) added to section 18 of the Sea Customs Act, 1878 (VIII of 1878),—

(*a*) for the words "cotton sewing or darning thread" the words "cotton sewing, darning, crochet or handicraft thread" shall be substituted;

(*b*) in sub-clause (*ii*) for the words "an indication of the weight" the words "the length or weight" and for the words "the grist number in accordance with" the words "in such other manner as is required by" shall be substituted;

(*c*) in sub-clause (*iv*) for the words and figures "a factory as defined in the Factories Act, 1934" the words, brackets and figures "premises not exempted from the operation of sub-section (2) of section 12 of the Indian Merchandise Marks Act, 1889 (IV of 1889)," shall be substituted.

THE REPEALING AND AMENDING ACT, 1945.

ACT No. VI OF 1945.

[16th *April,* 1945.

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient that the enactments specified in the First Schedule which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

AND WHEREAS it is expedient that certain amendments should be made in the enactments specified in the Second Schedule;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE REPEALING AND AMENDING ACT, 1945.

Repeal of certain enactments.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Amendment of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Savings.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE.

REPEALS.

(See *section* 2).

Year.	No.	Short Title.	Extent of repeal.
1	2	3	4
		Acts of the Central Legislature.	
1934	XXVIII	The Indian Rubber Control Act, 1934.	The whole.
1939	XXIV	The Indian Census Act, 1939	The whole.
1940	I	The Registration (Emergency Powers) Act, 1940.	Section 7.
1940	IV	The Offences on Ships and Aircraft Act, 1940.	The whole.
1940	VI	The Indian Coinage (Amendment) Act, 1940.	The whole.
1940	VIII	The Indian Emigration (Amendment) Act, 1940.	The whole.
1940	IX	The Reserve Bank of India (Amendment) Act, 1940	The whole.
1940	X	The Arbitration Act, 1940 ..	Section 49 and the Third and Fourth Schedules.
1940	XI	The Coal Mines Safety (Stowing) Amendment Act, 1940.	The whole.
1940	XII	T e Income-tax Law (Amendment) Act, 1940.	Sections 2, 3, 4, 5, 6, 7, 8 and 10
1940	XIII	The Reserve Bank of India (Second Amnedment) Act, 1940.	The whole.
1940	XIV	The Parsi Marriage and Divorce (Amendment) Act, 1940.	The whole.
1940	XVI	The Indian Finance Act, 1940	In the long Title and Preamble, the words commencing with "to fix the duty on salt" and ending "Indian Post Office Act, 1898, and". Sections 2, 3, 4, 5 and 6 and Schedule I.
1940	XVII	The Factories (Amendment) Act, 1940.	The whole.
1940	XIX	The Defence of India (Amendment) Act, 1940.	The whole.
1940	XX	The Insurance (Amendment) Act, 1940.	The whole.
1940	XXI	The Indian Tariff (Amendment) Act, 1940.	The whole.
1940	XXII	The Indian Tariff (Second Amendment) Act, 1940.	The whole.
1940	XXIV	The Indian Mines (Amendment) Act, 1940.	The whole.
1940	XXV	The Petroleum (Amendment) Act, 1940.	The whole.
1940	XXVI	The Motor Vehicles (Amendment) Act, 1940.	The whole.
1940	XXVIII	The Indian Works of Defence (Amendment) Act, 1940.	The whole.
1940	XXIX	The Indian Navy (Discipline) Amendment Act, 1940	The whole.
1940	XXX	The Indian Navy (Discipline) Second Amendment Act, 1940	The whole.
1940	XXXI	The Cantonments (Amendment) Act, 1940	The whole.
1940	XXXII	The Repealing and Amending Act, 1940.	The whole.

Year. 1	No. 2	Short Title. 3	Extent of repeal. 4
1940	XXXIII	The Indian Registration (Amendment) Act, 1940.	The whole.
1940	XXXIV	The Code of Civil Procedure (Amendment) Act, 1940.	The whole.
1940	XXXV	The Code of Criminal Procedure (Amendment) Act, 1940.	The whole.
1940	XXXVI	The Indian Companies (Amendment) Act, 1940.	The whole.
1940	XXXVIII	The Reserve Bank of India (Third Amendment) Act, 1940.	The whole.
1940	XXXIX	The Motor Spirit (Duties) Amendment) Act. 1940.	The whole.
1940	XL	The Indian Income-tax (Amendment) Act, 1940.	Sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13.
1940	XLI	The Indian Sale of Goods (Amendment) Act, 1940.	The whole.
1940	XLII	The Excess Profits Tax (Amendment) Act, 1940.	The whole.
1941	III	The Petroleum (Amendment) Act, 1941.	The whole.
1941	VI	The Indian Railways (Amendment) Act, 1941.	The whole.
1941	VII	The Indian Finance Act, 1941 ..	In the long Title and Preamble the words commencing with "to fix the duty on salt" and ending "Indian Post Office Act, 1898". Sections 2, 3, 4, 5 and 6 and the Schedule.
1941	VIII	The Protective Duties (Continuation) Act, 1941.	The whole.
1941	IX	The Indian Tariff (Amendment) Act, 1941.	The whole.
1941	XI	The Excess Profits Tax (Amendment) Act, 1941.	The whole.
1941	XIII	The Insurance (Amendment) Act, 1941.	The whole.
1941	XIV	The Code of Criminal Procedure (Amendment) Act, 1941.	The whole.
1941	XV	The Code of Criminal Procedure (Second Amendment) Act, 1941.	The whole.
1941	XVI	The Factories (Amendment) Act, 1941.	The whole.
1941	XVII	The Aligarh Muslim University (Amendment) Act, 1941.	The whole.
1941	XVIII	The Madras Port Trust (Amendment) Act, 1941.	The whole.
1941	XXI	The Federal Court Act, 1941 ..	Section 2.
1941	XXVI	The Indian Companies (Amendment) Act, 1941.	The whole.
1941	XXVII	The Trade Marks (Amendment) Act, 1941.	The whole.

Act of the Governor-General.

1940	..	The Indian Finance (No. 2) Act, 1940.	In the long Title and Preamble the words and figures, "to alter the maximum rates of postage under the Indian Post Office Act, 1898". Section 2.

Year. 1	No. 2	Short Title. 3	Extent of repeal. 4
		Regulations made by the Governor-General.	
1940	I	The British Baluchistan Bazars (Amendment) Regulation, 1940.	The whole.
1940	II	The British Baluchistan Laws (First Amendment) Regulation, 1940.	The whole.
1940	III	The British Baluchistan Arms Regulation, 1940.	Section 3.
1940	VI	The British Baluchistan Laws (Second Amendment) Regulation, 1940.	The whole.
1940	IX	The British Baluchistan Laws (Third Amendment) Regulation, 1940.	The whole.
1940	XII	The British Baluchistan Laws (Fourth Amendment) Regulation, 1940.	The whole.
1940	XIII	The British Baluchistan Laws (Fifth Amendment) Regulation, 1940.	The whole.
1941	I	The British Baluchistan Laws (First Amendment) Regulation, 1941.	The whole.
1941	III	The Andaman and Nicobar Islands (Amendment) Regulation, 1941.	The whole.
1941	VI	The British Baluchistan Laws (Second Amendment) Regulation, 1941.	The whole.
1941	VII	The British Baluchistan Laws (Third Amendment) Regulation, 1941.	The whole.
		Ordinances made by the Governor-General under section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935.	
1940	III	The Payment of Wages (Amendment) Ordinance, 1940.	The whole
1940	IV	The Currency Ordinance, 1940 ..	Section 3.
1940	V	The National Service (European British Subjects) Amendment Ordinance, 1940.	The whole.
1940	VI	The Indian Coinage (Amendment) Ordinance, 1940.	The whole.
1940	VII	The Indian Tea Control (Amendment) Ordinance, 1940.	The whole.
1940	XI	The National Service (Technical Personnel) Amendment Ordinance, 1940.	The whole.
1940	XII	The Indian Coinage (Second Amendment) Ordinance, 1940.	The whole.
1940	XIV	The Indian Coinage (Third Amendment) Ordinance, 1940.	The whole.
1941	II	The Civic Guards (Amendment) Ordinance, 1941.	The whole.
1941	III	The Reserve Bank of India (Amendment) Ordinance, 1941.	The whole.
1941	VI	The National Service (European British Subjects) Amendment Ordinance, 1941.	The whole.
1941	IX	The Indian Navy (Discipline) Amendment Ordinance, 1941.	The whole.
1941	XII	The War Risks (Goods) Insurance Amendment Ordinance, 1941.	The whole.

THE SECOND SCHEDULE.

Amendments.

(See *section* 3).

Year. 1	No. 2	Short Title. 3	Amendments. 4
1856	XX	The Bengal Chaukidari Act, 1856 ..	In sections 21, 36, 38 and 59 of the Act, in its application to Ajmer-Merwara, for the word "Commissioner", wherever it occurs, the words "Deputy Commissioner" shall be substituted.
1878	XVII	The Northern India Ferries Act, 1878.	In the Act as applicable to Ajmer-Merwara—. (*a*) in section 4 for the words "the Commissioner of the Division in which such ferry is situate" the words "the Deputy Commissioner" shall be substituted. (*b*) in sections 8 and 11 for the word "Commissioner" the words "Deputy Commissioner" shall be substituted. (*c*) in section 12 for the words "the Commissioner of a division" the words "the Deputy Commissioner" shall be substituted, the words "within such division" in clause (*a*) shall be omitted, and for the word "Commissioner" where it occurs for the second and third time, the words "Deputy Commissioner" shall be substituted. (*d*) in sections 15, 16, 19, 24 and 31, for the words "the Commissioner of the division" the words "the Deputy Commissioner" shall be substituted. (*e*) in section 35 for the words "any Commissioner of a division or Magistrate" the words "the Deputy Commissioner or a Magistrate" shall be substituted.
1879	XIV	The Hackney Carriage Act, 1879 ..	In sections 3 and 5 of the Act, in its application to Ajmer-Merwara, for the word "Commissioner" wherever it occurs, the words "Deputy Commissioner" shall be substituted.
1880	XIII	The Vaccination Act, 1880 ..	In sections 8 and 19 of the Act, in its application to Ajmer-Merwara for the word "Commissioner" wherever it occurs, the words "Deputy Commissioner" shall be substituted.
1890	IX	The Indian Railways Act, 1890 ..	(*a*) In sub-section (4) of section 113, for the words "any Magistrate of the first or second class," the words "any Presidency Magistrate or Magistrate of the first or second class" shall be substituted.

Year. 1	No. 2	Short Title. 3	Amendments. 4
			(b) In section 138, for the words "any Magistrate of the first class" the words "any Presidency Magistrate or Magistrate of the first class" shall be substituted
1898	V	The Code of Criminal Procedure, 1898.	In section 415, for the words "by which any two or more of the punishments therein mentioned are combined" the words "by which any punishment therein mentioned is combined with any other punishment" shall be substituted.
1911	VIII	The Indian Army Act, 1911 ..	In section 10, for the words "and if within the said three months such person claims his discharge any such irregularity or illegality or other ground shall not, until such person is discharged" the words "and if any person, in receipt of military pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his enrolment no such irregularity or illegality or other ground shall, until he is discharged" shall be substituted.
1913	VII	The Indian Companies Act, 1913 ..	(a) In sub-section (3) of section 131-A, for the word, brackets and figure "sub-section (3)" the word, brackets and figure "sub-section (4)" shall be substituted. (b) In sub-section (3) of section 151, for the word, brackets and figure "sub-section (1)" the word, brackets and figure "sub-section (2)" shall be substituted.
1932	XIV	The Indian Air Force Act, 1932 ..	In section 10, for the words "and if within the said three months such person claims his discharge any such irregularity or illegality or other ground shall not, until such person is discharged" the words "and if any person, in receipt of air force pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his enrolment no such irregularity or illegality or other ground shall, until he is discharged" shall be substituted.
1934	XXXII	The Indian Tariff Act, 1934 ..	In the First Schedule, item 10 (2) shall be omitteed.

Year. 1	No. 2	Short Title. 3	Amendments. 4
1939	IV	The Motor Vehicles Act, 1939 ..	In sub-section (2) of section 28 the word, brackets and figure "Sub-section (1) of" shall be omitted.
1940	XV	The Excess Profits Tax Act, 1940 ..	In the Second Schedule in sub-rule (1) of rule 3, for the words "the last preceding rule" the words and figure "rule 2 of this Schedule" shall be substituted.
1944	I	The Central Excises and Salt Act, 1944.	In section 39, for the words "Second Schedule" the words "Third Schedule" shall be substituted. In the First Schedule in item 1, for the words, figures and brackets "Indian Petroleum Act, 1899 (VIII of 1899)" the words, figures and brackets "Petroleum Act, 1934 (XXX of 1934)" shall be substituted.
1944	X	The Indian Coconut Committee Act, 1944.	In clause (c) of section 2, for the words, figures and brackets "Indian Factories Act, 1934 (XXV of 1934") the words, figures and brackets "Factories Act, 1934 (XXV of 1934)" shall be substituted.
		Regulations made by the Governor-General in Council.	
1872	IV	The Ajmere Talukdars Relief Regulation, 1872.	(a) In section 1, for the words "'Commissioner' means the Commissioner of Ajmere" the words "'Deputy Commissioner' means the Deputy Commissioner of Ajmere Merwara" shall be substituted. (b) In sections 2, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 18, 19, 20, 22, 23, 26, 27, 28, 29, 30 and 31 for the expressions "the Commissioner" and "the Commissioner's" respectively where-ever they occur the expressions "the Deputy Commissioner" and "the Deputy Commissioner's" shall be substituted.
1874	VI	The Ajmere Forest Regulation, 1874.	(a) In section 2 for the words "the Commissioner" the words "the Conservator of Forests" shall be substituted. (b) In section 5 for the words "the Commissioner of Ajmere" the words "the Conservator of Forests" shall be substituted. (c) In section 6 for the words "the said Commissioner" the words "the Conservator of Forests" shall be substituted.

Year. 1	No. 2	Short Title, 3	Amendments. 4
			(d) In section 8 for the words "with the Commissioner's sanction" the words "with the sanction of the Conservator of Forests" shall be substituted. (e) In section 11 for the words "the Commissioner of Ajmere" the words "the Conservator of Forests", and for the words "the said Commissioner" the words "the Conservator of Forests", shall be substituted.
1877	II	The Ajmere Land and Revenue Regulation, 1877.	In sections 2, 25, 35, 52, 114, 115 and 116, for the expression "the Commissioner", wherever it occurs, the expression "the Deputy Commissioner" shall be substituted. In section 31, for the words "by the Commissioner with the sanction of the Governor-General in Council" the following shall be substituted, namely: "with the sanction of the Governor-General in Council, by the Commissioner if granted prior to the 1st day of January, 1943 or by the Deputy Commissioner if granted thereafter."
1886	VI	The Ajmere Rural Boards Regulation, 1886.	In sections 14, 18, 19, 21 and 22, for the expression "the Commissioner" wherever it occurs, the expression "the Deputy Commissioner" shall be substituted.
1888	I	The Ajmere Government Wards Regulation, 1888.	In section 4, for the words "the Commissioner" the words "the Deputy Commissioner" shall be substituted.
1911	II	The Ajmere Talukdars Loan Regulation, 1911.	In sections 3, 5, 6, 8, 10, 11, 12, 15 and 18, for the expresssion "the Commissioner" wherever it occurs, the expression "the Deputy Commissioner" shall be substituted.
1925	VI	The Ajmer-Merwara Municipalities Regulation, 1925.	(a) In sections 3, 4, 10, 19, 22, 27, 28, 34, 36, 38, 57, 61, 64, 77, 93, 125, 139, 198, 225, 237, 238, 239, 240, 241, 242, 244 and 247, for the expression "the Commissioner" wherever it occurs, the expression "the Deputy Commissioner" shall be substituted. (b) In the heading to Chapter XIII for the word "Commissioner" the words "Deputy Commissioner" shall be substituted.

Year.	No.	Short Title.	Amendments.
1	2	3	4
1926	IX	The Ajmer Courts Regulation, 1926.	In sections 4, 5 and 28, for the expression "the Commissioner", wherever it occurs, the expression "the Deputy Commissioner" shall be substituted.

Ordinance made by the Governor-General under section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935.

1944	XXXVIII	The Criminal Law Amendment Ordinance, 1944.	In section 1, after sub-section (2) the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:— "(3) It shall come into force at once."
1944	LVI	The Cotton Textiles Fund (Second Amendment) Ordinance, 1944.	In clause (*a*) of section 2, for the words "after the word 'exported'," the words "after the word 'Exported' where it first occurs" shall be substituted.

THE INDIAN ARMY (AMENDMENT) ACT, 1945.

ACT No. VII OF 1945.

[16*th April,* 1945.

An Act further to amend the Indian Army Act, 1911.

WHEREAS it is expedient further to amend the Indian Army Act, 1911 (VIII of 1911), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN ARMY (AMENDMENT) ACT, 1945.

Amendment of section 114, Act VIII of 1911.

2. In section 114 of the Indian Army Act, 1911,—

(*a*) after rule (6), the following rules shall be inserted, namely:—

"(7) Where the deceased person or deserter is an Indian commissioned officer on active service, the references in the foregoing rules to the commanding officer shall be construed as references to the Standing Committee of Adjustment, if any, appointed in this behalf in the manner prescribed; and the power conferred by rule (2) to require payment of a deposit left in a Government savings bank shall be read as a power to require the payment from any deposit left in any bank, notwithstanding anything in the rules of the bank, of a sum, not exceeding two thousand rupees, equal to the nearest multiple of one hundred rupees above the amount estimated by the Standing Committee of Adjustment as necessary to meet the regimental and other debts in camp or quarters of the deceased.

(8) The decision of the commanding officer or the Standing Committee of Adjustment, as the case may be, as to what are the regimental and other debts in camp or quarters of a deceased person and as to the amount payable therefor shall, subject to the result of any appeal as against an order to the principal court of original civil jurisdiction in the locality, be final.";

(*b*) the existing *Explanation* shall be numbered *Explanation* 1 and the following *Explanation* shall be added, namely:—

"*Explanation* 2.—The expression 'regimental and other debts in camp or quarters' includes for the purposes of this section money due as—

military debts, namely, sums due in respect of, or of any advance in respect of—

(*a*) quarters,

(b) mess, band, and other regimental accounts,

(c) military clothing, appointments and equipments, not exceeding a sum equal to six months' pay of the deceased, and having become due within eighteen months before his death."

THE INDIAN AIR FORCE (AMENDMENT) ACT, 1945.

ACT No. VIII OF 1945.

[16th April, 1945.

An Act further to amend the Indian Air Force Act, 1932.

WHEREAS it is expedient further to amend the Indian Air Force Act, 1932 (XIV of 1932), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN AIR FORCE (AMENDMENT) ACT, 1945.

Amendment of section 126, Act XIV of 1932.

2. In section 126 of the Indian Air Force Act, 1932,—

(a) after rule (6), the following rules shall be inserted, namely:—

"(7) In the case of a person dying or deserting while on active service, the references in the foregoing rules to the commanding officer shall be construed as references to the Standing Committee of Adjustment, if any, appointed in this behalf in the manner prescribed; and the power conferred by rule (2) to require payment of a deposit left in a Government savings bank shall be read as a power to require the payment from any deposit left in any bank, notwithstanding anything in the rules of the bank, of a sum, not exceeding one thousand five hundred rupees, equal to the nearest multiple of one hundred rupees above the amount estimated by the Standing Committee of Adjustment as necessary to meet the service and other debts in camp or quarters of the deceased.

(8) The decision of the commanding officer or the Standing Committee of Adjustment, as the case may be, as to what are the service and other debts in camp or quarters of a deceased person and as to the amount payable therefor shall, without prejudice to any jurisdiction otherwise exercisable by a court of law, be final.";

(b) the existing *Explanation* shall be numbered *Explanation* 1 and the following *Explanation* shall be added, namely:—

"*Explanation* 2.—The expression 'service and other debts in camp or quarters' includes for the purposes of this section money due as—

air force debts, namely, sums due in respect of, or of any advance in respect of—

(a) quarters,

(b) mess, band, and other service accounts,

(c) air force clothing, appointments and equipments, not exceeding a sum equal to six months' pay of the deceased, and having become due within eighteen months before his death."

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) ACT, 1945.

ACT No. IX OF 1945.

[16th April, 1945.

An Act further to amend the Indian Patents and Designs Act, 1911.

WHEREAS it is expedient further to amend the Indian Patents and Designs Act, 1911 (II of 1911), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE INDIAN PATENTS AND DESIGNS (AMENDMENT) ACT, 1945.

Amendment of section 3, Act II of 1911.

2. In section 3 of the Indian Patents and Designs Act, 1911 (hereinafter referred to as the said Act), in sub-section (3), for the words "a specification", the words "either a provisional or complete specification" shall be substituted.

Substitution of new section 4 for section 4, Act II of 1911.

3. For section 4 of the said Act, the following section shall be substituted, namely,—

"4. *Specifications.*—(1) A provisional specification must describe the nature of the invention.

(2) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(3) A specification whether provisional or complete, must commence with the title, and in the case of a complete specification must end with a distinct statement, of the invention claimed.

(4) Where the Controller deems it desirable, he may require that suitable drawings shall be supplied at any time before the acceptance of the application, and such drawings shall be deemed to form part of the complete specification.

(5) If in any particular case the Controller considers that an application should be further supplemented by a model or sample of anything illustrating the invention or alleged to constitute an invention, such model or sample as he may require shall be furnished before the acceptance of the application, but such model or sample shall not be deemed to form part of the specification.

(6) The Controller may, where the application was accompanied by a specification purporting to be a complete specification, if the applicant so requests, treat the specification as a provisional specification and proceed with the application accordingly."

Insertion of new sections 4-A and 4-B, Act II of 1911.

4. After section 4 of the said Act, the following sections shall be inserted, namely,—

"4-A. *Time for leaving complete specification.*—(1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within nine months from the date of the application:

Provided that the said nine months shall be extended to such period, not exceeding ten months from the date of the application, as may be specified in a request made by the applicant to the Controller, if the request is made and the prescribed fee is paid within the period so specified.

(2) If the complete specification is not left within the period allowable under sub-section (1), the application shall be deemed to be abandoned at the expiration of ten months from the date thereof.

4-B. *Provisional protection.*—(1) An invention may, during the period between the date of an application for a patent therefor and the date of sealing a patent on that application, be used and published without prejudice to that patent, and such protection from the consequences of use and publication is in this Act referred to as provisional protection.

(2) In this section, the expression "date of an application for a patent" means, as respects an application which is post-dated or ante-dated under this Act, the date to which the application is so post-dated or ante-dated, and means, as respects any other application, the date on which it is actually made."

Amendment of section 5, Act II of 1911.

5. In section 5 of the said Act—

(*a*) in sub-section (1),

(*i*) for the words "The Controller shall refer every application to an Examiner", the words "The Controller shall refer to an Examiner every application in respect of which a complete specification has been filed" shall be substituted;

(*ii*) for clause (*a*) the following clause shall be substituted, namely,—

"(*a*) the nature of the invention or the manner in which it is to be performed is not particularly described and ascertained in the complete specification, or";

(*iii*) after clause (*d*) the following clause shall be inserted, namely,—

"(*dd*) where a complete specification has been left after a provisional specification, the invention particularly described in the complete specification is not substantially the same as that which is described in the provisional specification, or";

(*iv*) after the existing proviso the following proviso shall be inserted, namely,—

"Provided further that where a complete specification is left after a provisional specification, the Controller may, if the applicant so requests, cancel the provisional specification and direct that the application shall be deemed to have been made on the date on which the complete specification was left, and proceed with the application accordingly.";

(*b*) in sub-section (4) and the proviso thereto, for the words "twelve months" wherever they occur, the words "eighteen months" shall be substituted.

Amendment of section 6, Act II of 1911.

6. In section 6 of the said Act, for the word "specification" the word "specifications" shall be substituted.

Substitution of new section for section 7, Act II of 1911.

7. For section 7 of the said Act the following section shall be substituted, namely,—

"7. *Effect of acceptance of application.*—After the acceptance of an application and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the application:

Provided that the applicant shall not be entitled to institute any proceedings for infringement until the patent has been sealed."

Amendment of section 9, Act II of 1911.

8. In sub-section (1) of section 9 of the said Act,—

(*a*) in clause (*c*) for the word "specification" the word "specifications" shall be substituted;

(*b*) to clause (*d*) the word "or" shall be added and after that clause the following clause shall be added, namely,—

"(*e*) that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention either forms the subject of an application made by the opponent for a patent which if granted would bear a date in the interval between the date of the application and the leaving of the complete specification, or has been made available to the public by publication in any document published in British India in that interval."

Amendment of section 10, Act II of 1911.

9. In sub-section (2) of section 10 of the said Act,—

(*a*) for the words "eighteen months" wherever they occur in the section including the proviso the words "twenty-four months" shall be substituted;

(*b*) to clause (*c*) of the proviso the words "or at such later time as the Controller may think fit" shall be added.

Insertion of new section 13-A, Act II of 1911.

10. After section 13 of the said Act, the following section shall be inserted, namely,—

"13-A. *Single patent for cognate inventions.*—(1) Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the Controller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may allow one complete specification in respect of the whole of such applications and grant a single patent thereon.

(2) Such patent shall bear the date of the earliest of such applications, but in considering the validity of the same, and in determining other questions under this Act, the Court or the Controller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed in the complete specification."

Amendment of section 26, Act II of 1911.

11. In sub-section (1) of section 26 of the said Act,—

(*a*) in clause (*g*) and clause (*h*) for the word "specification" the words "complete specification" shall be substituted;

(*b*) in clause (1) for the word "specification" where it occurs for the first time the words "complete specification" shall be substituted;

(*c*) after clause (*m*) the following clause shall be inserted, namely,—

"(*n*) that the invention claimed in the complete specification is not the same as that contained in the provisional specification, and that the invention claimed, so far as it is not contained in the provisional specification, was not new at the date when the complete specification was filed.";

(*d*) in the proviso to the sub-section in clause (*ii*) for the words, brackets and figures "sub-section (2) of section 21" the words, brackets and figures and letter "sub-section (12) of section 21-A" shall be substituted.

Insertion of new section 38-A, Act II of 1911.

12. After section 38 of the said Act, the following section shall be inserted, namely,—

"38-A. *Disconformity.*—A patent shall not be held to be invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete specification was put in, and the applicant for the patent was the true and first inventor thereof, or the legal representative or assign of such inventor.".

Amendment of section 61, Act II of 1911.

13. In sub-section (1) of section 61 of the said Act, for the words "become void" the words "deemed to have been refused" shall be substituted.

Amendment of section 78-A, Act II of 1911.

14. In sub-section (3) of section 78-A of the said Act, for the existing proviso the following proviso shall be substituted, namely,—

"Provided that, in the case of a patent,—

(a) the application shall be accompanied by a complete specification; and

(b) if the application is not accepted within eighteen months from the date of the application for protection in the United Kingdom, the specification shall, with the drawings (if any) supplied therewith, be open to public inspection at the expiration of that period".

Amendment of Schedule to Act II of 1911.

15. In the Schedule to the said Act,—

(a) for the entry

"On application for a patent	10"

the following entries shall be substituted, namely,—

"On application for a patent accompanied by provisional specification ..	10
On filing complete specification after provisional specification ..	20
On application for a patent accompanied by complete specification ..	30"

(b) for the entry

"Before sealing a patent	30"

the following entry shall be substituted, namely,—

"For sealing a patent	30"

THE MINES MATERNITY BENEFIT (AMENDMENT) ACT, 1945.

ACT No. X OF 1945.

[16th April, 1945.

An Act further to amend the Mines Maternity Benefit Act, 1941.

WHEREAS it is expedient further to amend the Mines Maternity Benefit Act, 1941 (XIX of 1941), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called THE MINES MATERNITY BENEFIT (AMENDMENT) ACT, 1945.

Amendment of section 3, Act XIX of 1941.

2. Section 3 of the Mines Maternity Benefit Act, 1941 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and to the section as so re-numbered the following sub-section shall be added, namely:—

"(2) No owner or manager of a mine shall employ any woman below ground in the mine—

(a) if he has reason to believe or if she has informed him that she is likely to be delivered of a child within ten weeks;

(b) if she has to the knowledge of the management been delivered of a child within the preceding twenty-six weeks;

(c) during the period of ten weeks following the twenty-six weeks referred to in clause (b)—

(i) for more than four hours in a day unless a *creche* is provided at the mine;

(ii) in any case, for more than four hours at any one time:

Provided that where the woman informs the management that the child of which she was delivered has died, the provisions of clause (c) shall not apply after the management has with due diligence verified the correctness of her statement."

Amendment of section 4, Act XIX of 1941.

3. In section 4 of the said Act,—

(a) in the proviso to sub-section (1), after the words "Provided that" the words "except in the case of a woman employed below ground in the mine" shall be inserted;

(b) for sub-section (2) the following sub-sections shall be substituted, namely:—

"(2) if any woman employed below ground in a mine gives notice either orally or in writing in the prescribed form to the manager of the mine that she expects to be delivered of a child within ten weeks from the date of such notice, the manager may, on undertaking to defray the cost of such examination, require the woman to be examined within three days by a qualified medical practitioner or midwife, and shall permit her if she so desires to absent herself from work in any capacity in the mine prior to the said examination, and unless he obtains a certificate that the woman is not pregnant or not likely to be delivered of a child within ten weeks or the woman refuses to submit to such examination, up to the day of her delivery, and such absence shall be treated as a period of authorised absence on leave.

(3) The examination referred to in the proviso to sub-section (1) or in sub-section (2) shall, if the woman so desires, be carried out by a woman.

(4) The absence of a woman in the period during which she is entitled to maternity benefit under this Act shall be treated as authorised absence on leave."

Amendment of section 5, Act XIX of 1941.

4. Section 5 of the said Act shall be re-numbered as sub-section (1) of that section, and—

(a) in the section as so re-numbered,—

(i) after the words "every woman" the words, brackets and figure "other than a woman to whom the provisions of sub-section (2) apply" shall be inserted;

(ii) for the words "eight annas" the words "twelve annas" shall be substituted;

(b) to the section as so renumbered the following sub-section shall be added, namely:—

"(2) Every woman who has worked below ground in a mine or mines of the same owner for not less than ninety days in all during a period not exceeding six months immediately preceding the date on which clause (a) of sub-section (2) of section 3 becomes applicable to her case shall, if she complies with the other conditions imposed by this Act, be entitled to receive, and the owner of the mine shall be liable to make to her, in accordance with the provisions of this Act, a payment at the rate of six rupees a week for the ten weeks immediately preceding her delivery and for the six weeks following her delivery."

Amendment of section 7, Act XIX of 1941.

5. In section 7 of the said Act, after the word, brackets and figure "sub-section (1)" the words, brackets and figure "or sub-section (2), as the case may be," shall be inserted.

Amendment of section 8, Act XIX of 1941.

6. In section 8 of the said Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1-A) Where a woman entitled to maternity benefit has given the notice referred to in sub-section (2) of section 4, the manager shall within three days pay to her maternity benefit for ten weeks in advance, unless, within the said three days as a result of the examination referred to in that sub-section, he obtains a certificate that she is not pregnant or not likely to be delivered of a child within ten weeks or the woman refuses to submit to such examination."

(b) in clause (a) of sub-section (2), after the word, brackets and figure "sub-section (1)" the words, brackets, figure and letter "or sub-section (1-A)" shall be inserted.

Amendment of section 9, Act XIX of 1941.

7. In sub-sections (1) and (2) of section 9 of the said Act, after the word, brackets and figure "sub-section (1)" the words, brackets, figure and letter "or sub-section (1-A)" shall be inserted.

Amendment of section 10, Act XIX of 1941.

8. In sub-section (1) of section 10 of the said Act, for the words and figures "section 3, or has obtained permission to absent herself in accordance with section 4" the words, brackets and figures "sub-section (1) of section 3 or in circumstances under which in accordance with this Act the absence is to be treated as authorised absence on leave" shall be substituted.

Amendment of section 11, Act XIX of 1941.

9. In section 11 of the said Act,—

(a) in sub-section (1), after the words "Chief Inspector or any Inspector" the words "or any other officer authorised in this behalf by the Central Government" shall be added;

(b) in sub-section (2), after the words "the Chief Inspector or Inspector" the words "or other officer" shall be inserted.

Amendment of section 12, Act XIX of 1941.

10. In section 12 of the said Act, for the word and figure "section 3" the words, brackets and figures "sub-section (1) of section 3" shall be substituted.

Amendment of section 14, Act XIX of 1941.

11. In section 14 of the said Act,—

(a) in sub-section (1), after the words "Chief Inspector" the words "or of an officer authorised in this behalf by the Central Government" shall be added;

(b) in the proviso to sub-section (3) the words "of the Chief Inspector," shall be omitted.

Amendment of section 15, Act XIX of 1941.

12. In sub-section (2) of section 15 of the said Act,—

(a) in clause (c), for the words, brackets and figure "under the proviso to sub-section (1) of" the words "referred to in" shall be substituted.

(b) in clause (f), after the words "the Chief Inspector and Inspectors" the following shall be inserted, namely:—

"and the officers authorised by the Central Government referred to in section 11 and sub-section (1) of section 14".

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) ACT, 1945.

ACT No. XI OF 1945.

[2nd May, 1945.

An Act further to amend the Aligarh Muslim University Act, 1920.

WHEREAS it is expedient further to amend the Aligarh Muslim University Act, 1920 (XL of 1920), for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (a) This Act may be called THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) ACT, 1945.

(b) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Amendment of section 16, Act XL of 1920.

2. In section 16 of the Aligarh Muslim University Act, 1920 (XL of 1920), (hereinafter referred to as the said Act), the brackets, figure and words "(4) The Pro-Vice-Chancellor, and" shall be deleted; the word "and" shall be added after the words "The Vice-Chancellor"; and for the brackets and figure "(5)" the brackets and figure "(4)" shall be substituted.

Deletion of section 20, Act XL of 1920.

3. Section 20 of the said Act shall be deleted.

Amendment of section 21, Act XL of 1920.

4. In section 21 of the said Act, the words "and the Pro-Vice-Chancellor" shall be deleted and the word "and" shall be added before the words "the Vice-Chancellor".

Amendment of section 32, Act XL of 1920.

5. In sub-section (1) of section 32 of the said Act, for the words "the Pro-Vice-Chancellor" the words "the Vice-Chancellor" shall be substituted.

Amendment of section 38, Act XL of 1920.

6. In sub-section (1) of section 38 of the said Act, (a) for the words "shall appoint persons to fill casual vacancies in the offices of Vice-Chancellor and Pro-Vice-Chancellor" the words "shall appoint a person to fill a casual vacancy in the office of Vice-Chancellor" shall be substituted;

(b) for the word "Persons", where it occurs for the second time, the words "The person" shall be substituted.

Deletion of section 41, Act XL of 1920.

7. Section 41 of the said Act shall be deleted.

MADRAS ACTS, 1945.

THE MADRAS CITY CIVIL COURT AND PRESIDENCY SMALL CAUSE COURTS (AMENDMENT) ACT, 1945.

ACT No. I OF 1945.

[18th January, 1945.

An Act further to amend the Madras City Civil Court Act, 1892, and the Presidency Small Cause Courts Act, 1882, in its application to the Province of Madras.

WHEREAS it is expedient further to amend the Madras City Civil Court Act, 1892, and the Presidency Small Cause Courts Act, 1882, in its application to the Province of Madras, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS CITY CIVIL COURT AND PRESIDENCY SMALL CAUSE COURTS (AMENDMENT) ACT, 1945.

Amendment of section 16, Act VII of 1892.

2. In clause (1) of the proviso to section 16 of the Madras City Civil Court Act, 1892, for the words "as between attorney and client", the words "at the maximum admissible under the Madras High Court Fees Rules for suits set down for final disposal" shall be substituted.

Amendment of section 22, Act XV of 1882.

3. In section 22 of the Presidency Small Cause Courts Act, 1882, for the words "as between attorney and client", the words "at the maximum admissible under the Madras High Court Fees Rules for suits set down for final disposal" shall be substituted.

THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1945.

ACT No. II OF 1945.

An Act further to amend the Madras Estates Land Act, 1908.

WHEREAS it is expedient further to amend the Madras Estates Land Act, 1908, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1945.

Amendment of section 3, Madras Act I of 1908.

2. (1) In sub-clause (*d*) of clause (2) of S. 3 of the Madras Estates Land Act, 1908 (hereinafter referred to as the said Act) Explanations (1) and (2) shall be renumbered as Explanations (2) and (3) respectively and the following shall be inserted as Explanation (1), namely:—

"*Explanation* (1).—Where a grant as an inam is expressed to be of a named village, the area which forms the subject-matter of the grant shall be deemed to be an estate notwithstanding that it did not include certain lands in the village of that name which have already been granted on service or other tenure or been reserved for communal purposes".

(2) The amendment made by sub-section (1) shall be deemed to have had effect as from the date on which the Madras Estates Land (Third Amendment) Act, 1936, came into force and the said amendment shall be read and construed accordingly for all purposes.

Amendment of section 185-A, Madras Act I of 1908.

3. In section 185-A of the said Act, after sub-section (2), the following sub-section shall be added namely:—

"(3) In the case of an estate within the meaning of sub-clause (d) of clause (2) of section 3 read with Explanation (1) to that sub-clause, the provisions of this section shall have effect as if for the expression 'three years of the date of the commencement of the Madras Estates Land (Third Amendment) Act, 1936' in sub-section (1), the expression 'one year of the date of the commencement of the Madras Estates Land (Amendment) Act, 1945' had been substituted.

Provided that this sub-section shall not entitle a landholder to lodge an application under sub-section (1) read with this sub-section if he had previously lodged an application in respect of the same land and such application was heard and disposed of on its merits by a special Tribunal".

Saving.

4. Nothing contained in this Act shall be deemed to invalidate any decree or order of a Court which became final before the passing of this Act.

THE MADRAS IRRIGATION CESS (AMENDMENT) ACT, 1945.

ACT No. III OF 1945.

[10th February, 1945.

An Act further to amend the Madras Irrigation Cess Act, 1865.

WHEREAS it is expedient further to amend the Madras Irrigation Cess Act, 1865, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS IRRIGATION CESS (AMENDMENT) ACT, 1945.

Amendment of section 1, Madras Act VII of 1865.

2. (1) Section 1 of the Madras Irrigation Cess Act, 1865 (hereinafter referred to as the said Act), shall be re-numbered as sub-section (1) of that section and in the said section as so renumbered—

(a) for the words "to levy at pleasure on the land so irrigated a separate cess for such water", the words and brackets "to levy at pleasure a separate fee for such water (hereinafter referred to as the water-cess)" shall be substituted;

(b) in the first proviso, for the word "cess", the word "water-cess" shall be substituted;

(c) after the first proviso, the following proviso shall be inserted, namely:—

"Provided further that zamindar or inamdar or any other description of landholder not holding under ryotwari settlement shall be liable to pay the water-cess under this Act except to the extent to which he is entitled to irrigation free of separate charge under the first proviso:";

(d) in the last proviso, for the words "no cess shall be leviable under this Act in respect of land held under ryotwari settlement which is classified and assessed as wet, unless the same be irrigated", the words "no water-cess shall be leviable under this Act in respect of water supplied or used for the irrigation of land held under ryotwari settlement which is classified and assessed as wet, unless the land be irrigated" shall be substituted.

(2) To the said section, as so renumbered and amended, the following sub-section shall be added, namely:—

"(2) For the avoidance of doubt it is hereby declared that water-cess leviable under this Act is not a tax on land but is a fee for the water supplied or used for the irrigation of land."

Amendment of sec. 1-A, Madras Act VII of 1865.

3. In sub-section (1) of section 1-A of the said Act, for the words "In the case of land included in an estate the cess due under this Act shall", the words "In respect of water supplied or used for the irrigation of land included in an estate the water-cess due under this Act" shall be substituted.

Indemnification for acts done before the commencement of this Act.

4. (1) No suit or other proceeding shall lie against the Provincial Government, or any officer or servant of the said Government, or any authority subordinate to them, or any person acting under the authority of or with the permission of the said Government, officer, servant or authority, in respect of any act done or purporting to be done under section 1 of the said Act before the commencement of this Act if such act could have been done under the said section 1 as amended by this Act, and the Provincial Government and all officers, servants, authorities and persons aforesaid are hereby indemnified and discharged from all liability in respect

of all such acts in so far as they could have been done under the said section 1 as amended by this Act.

(2) Any suit or other proceeding instituted before the commencement of this Act in respect of any act done or purporting to be done under section 1 of the said Act shall be disposed of as if the said section 1 as amended by this Act had been in force at the time of institution of the said suit or proceeding in the Court of first instance.

THE MADRAS IRRIGATION WORKS (REPAIRS, IMPROVEMENT AND CONSTRUCTION) AMENDMENT ACT, 1945.

ACT No. IV OF 1945.

[*9th March*, 1945.

An Act to amend the Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943.

WHEREAS it is expedient to amend the Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS IRRIGATION WORKS (REPAIRS, IMPROVEMENT AND CONSTRUCTION) AMENDMENT ACT, 1945.

Amendment of section 2, Madras Act XVIII of 1943.

2. In section 2 of the Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943 (hereinafter referred to as the said Act)—

(*i*) in clause (*c*), for the words "land not being Crown property", the following shall be substituted, namely:—

"land situated in an estate as defined in the Madras Estates Land Act, 1908";

(*ii*) after clause (*c*), the following clause shall be inserted, namely:—

"(*cc*) acquire in accordance with the provisions of the Land Acquisition Act, 1894, any land in an estate as defined in the Madras Estates Land Act, 1908, necessary for the purpose of constructing a new irrigation work, if the work is intended to serve lands situated in two or more estates as so defined or partly lands situated in such estate or estates and partly lands in ryotwari tracts, and construct or cause to be constructed the irrigation work on the land which has been acquired."

Amendment of section 3, Madras Act XVIII of 1943.

3. In section 3 of the said Act—

(*i*) in sub-section (1), clause (*c*) shall be omitted;

(*ii*) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1-A) In the cases referred to in clauses (*a*) and (*b*) of section 2, the Provincial Government shall be entitled to recover in a lump sum the amount determined under clause (*b*) of sub-section (1) from the landholder or other person who by any law or custom is bound to keep the irrigation work in repair.

(1-B) In the case referred to in clause (*c*) of section 2, the Provincial Government shall be entitled to recover in a lump sum from the landholder on whose land the new irrigation work has been constructed—

(*i*) if the irrigation work is intended to serve exclusively lands situated in the estate, the cost of the measure as determined under clause (*b*) of sub-section (1);

(*ii*) if the irrigation work is intended to serve partly lands situated in such estate and partly lands in ryotwari tracts, such proportion of the cost of the measure as determined under clause (*b*) of sub-section (1) as the extent of the lands in the estate served by the irrigation work bears to the total extent of the lands served by the work:

Provided that the amount recoverable under this sub-section shall not exceed the value capitalized at four per cent. of the average net additional annual income estimated by the Provincial Government as likely to be derived by the landholder as a result of the construction of the irrigation work.

(1-C) (*a*) On the expiry of five fasli years after the completion of the irrigation work, the Provincial Government shall determine the value capitalized at four per cent. of the actual amount of the average net additional annual income derived by the landholder as a result of the construction of the irrigation work during the said fasli years.

(*b*) If the value determined under clause (*a*) exceeds the amount recovered from the landholder under sub-section (1-B), the difference shall be recovered from him and if such value is less than the amount recovered from him, the difference shall be refunded to him.

(1-D) The irrigation work referred to in clause (*ii*) of sub-section (1-B) shall be maintained by the landholder and the cost of maintenance shall be shared between the landholder and the Provincial Government in the proportion in which the cost of the work has been shared.";

(*iii*) in sub-section (2), for the expression "person liable under sub-section (1)" the expression "person liable under sub-section (1-A) or sub-section (1-B)" shall be substituted;

(*iv*) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2-A) In the case referred to in clause (*e*) of section 2, the Provincial Government shall be entitled to—

(*a*) fix the area to be irrigated from such work in the estate and in ryotwari tracts, if any; and

(*b*) charge fees for the water supplied from the irrigation work to the lands situated in ryotwari tracts, if any, at such rates as they deem fit and recover the fees from such persons, at such times and on such terms and conditions, as may be specified in accordance with the rules made under this Act";

(*v*) in sub-section (3), for the expression "case referred to in clause (*d*) of section 2", the expression "cases referred to in clauses (*cc*) and (*d*) of section 2" shall be substituted.

THE MADRAS ENTERTAINMENTS TAX (AMENDMENT) ACT, 1945.

ACT No. V OF 1945.

[27*th March*, 1945.

An Act to amend the Madras Entertainments Tax Act, 1939.

WHEREAS it is expedient to amend the Madras Entertainments Tax Act, 1939, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement. 1. (1) This Act may be called THE MADRAS ENTERTAINMENTS TAX (AMENDMENT) ACT, 1945.

(2) It shall come into force on the 1st day of April, 1945.

Amendment of section 4, Madras Act X of 1939. 2. In section 4 of the Madras Entertainments Tax Act, 1939, for entries (*ii*) to (*xi*) specifying the rates of tax, the following entries shall be substituted, namely:—

"(ii) is more than two annas but less than six annas ..	Nine pies.
(iii) is six annas or more but is less than twelve annas ..	One anna six pies.
(iv) is twelve annas or more but is less than one rupee eight annas	Three annas.
(v) is one rupee eight annas or more but is less than two rupees eight annas	Six annas.
(vi) is two rupees eight annas or more but is less than three rupees eight annas	Twelve annas.
(vii) is three rupees eight annas or more but is less than four rupees eight annas	One rupee two annas.
(viii) is four rupees eight annas or more but is less than six rupees eight annas	One rupee eight annas.
(ix) is six rupees eight annas or more but is less than nine rupees eight annas	Two rupees four annas.
(x) is nine rupees eight annas or more but is less than ten rupees	Three rupees.
(xi) is ten rupees or more	Three rupees in respect of the first ten rupees and three rupees for every ten rupees or portion thereof in excess of the first ten rupees."

THE MALABAR TENANCY (AMENDMENT) ACT, 1945.

ACT No. VI OF 1945.

[4th April, 1945.

An Act to amend the Malabar Tenancy Act, 1929.

WHEREAS it is expedient to amend the Malabar Tenancy Act, 1929, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title. 1. This Act may be called THE MALABAR TENANCY (AMENDMENT) ACT, 1945.

Amendment of section 51, Madras Act XIV of 1930. 2. In section 51 of the Malabar Tenancy Act, 1929—

(i) to sub-section (1), the following proviso shall be added, namely:—

"Provided that during the continuance of the present war and for such period thereafter as the Provincial Government may from time to time direct, the Collector of the district shall publish every monh in the *Malabar District Gazette* the current market price of paddy, coconut, arecanut and pepper at each taluk headquarters.";

(ii) in sub-section (2), for the words "Where any rent, michavaram or renewal fee payable under this Act is paid or is to be paid in money," the following shall be substituted, namely:—

"Where any rent or michavaram payable in kind is, in virtue of any contract in writing between the landlord and tenant or in pursuance of clause (ii) of sub-section (3) of section 47, to be paid in money in whole or in part, or where any renewal fee payable under this Act is to be paid in money,";

(iii) to the same sub-section, the following proviso shall be added, namely:—

"Provided that during the continuance of the present war and for such period thereafter as may from time to time be notified by the Provincial Government, paddy, coconuts, arecanuts and pepper payable as rent or michavaram shall for the purposes of this sub-section be valued at the market price at the taluq headquarters last published under the proviso to sub-section (1) before the date of payment."

THE MADRAS GENERAL SALES TAX (AMENDMENT) ACT, 1945.

ACT No. VII OF 1945.

[25th April, 1945.

An Act further to amend the Madras General Sales Tax Act, 1939.

WHEREAS it is expedient further to amend the Madras General Sales Tax Act, 1939, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement. 1. (1) This Act may be called THE MADRAS GENERAL SALES TAX (AMENDMENT) ACT, 1945.

(2) It shall be deemed to have come into force on the 1st day of April, 1945.

Amendment of section 5, Madras Act IX of 1939. 2. In section 5 of the Madras General Sales Tax Act, 1939, after the words "the sale", the words "of bullion and specie" shall be inserted.

THE MADRAS ELECTRICITY DUTY (AMENDMENT) ACT, 1945.

ACT No. VIII OF 1945.

[9th June, 1945.

An Act further to amend the Madras Electricity Duty Act, 1939.

WHEREAS it is expedient further to amend the Madras Electricity Duty Act, 1939, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS ELECTRICITY DUTY (AMENDMENT) ACT, 1945.

Amendment of long title and preamble to Madras Act V of 1939.

2. In the long title and preamble to the Madras Electricity Duty Act, 1939 (hereinafter referred to as the said Act), for the words "on certain sales of electrical energy effected by licensees", the words 'on certain sales and consumption of electrical energy by licensees" shall be substituted.

Amendment of section 3, Madras Act V of 1939.

3. In section 3 of the said Act—

(*i*) in sub-section (1), the following words shall be added at the end, namely:—

"and on and in respect of all energy which was consumed by the licensee during the previous month for purposes other than those connected with the construction, maintenance and operation of his electrical undertaking and which, if sold to a private consumer under like conditions, would have fetched a price of more than two annas per unit";

(*ii*) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) A licensee shall be exempt from duty under sub-section (1) in any month if in the previous month the total sales of energy effected by him at whatever price, together with the energy consumed by him for purposes other than those connected with the construction, maintenance and operation of his electrical undertaking, did not exceed 16,666 units:

Provided that if at the end of any financial year, it is found that in such year the total sales of energy effected by the licensee at whatever price together with the energy consumed by him for purposes other than those connected with the construction, maintenance and operation of his electrical undertaking, were not less than 200,000 units, the licensee shall pay the duty in respect of any month or months comprised in such year in which the total of the sales and of the consumption as aforesaid did not exceed 16,666 units."

THE MADRAS GENERAL SALES TAX (SECOND AMENDMENT) ACT, 1945.

ACT No. IX OF 1945.

[11th June, 1945.

An Act further to amend the Madras General Sales Tax Act, 1939.

WHEREAS it is expedient further to amend the Madras General Sales Tax Act, 1939, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement.

1. (1) This Act may be called THE MADRAS GENERAL SALES TAX (SECOND AMENDMENT) ACT, 1945.

(2) It shall be deemed to have come into force on the 1st day of April, 1945.

Amendment of section 3, Madras Act IX of 1939.

2. In clause (*a*) of sub-section (1) of section 3 of the Madras General Sales Tax Act, 1939—

(*i*) in sub-clause (*i*), for the words "Eight rupees per month", the words "Ninety-six rupees" shall be substituted; and

(ii) in sub-clause (ii), for the words "Twelve rupees per month", the words "One hundred and forty-four rupees" shall be substituted.

THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1945.

ACT No. X OF 1945.

[30th June, 1945.

An Act further to amend the Madras Local Boards Act, 1920.

WHEREAS it is expedient further to amend the Madras Local Boards Act, 1920, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and commencement.

1. (1) This Act may be called THE MADRAS LOCAL BOARDS (AMENDMENT) ACT, 1945.

(2) It shall come into force on the 1st day of July, 1945.

Amendment of section 78, Madras Act XIV of 1920.

2. In section 78 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act), for the words "one anna and a half", the words "two annas" shall be substituted.

Amendment of Schedule V, Madras Act XIV of 1920.

3. In Schedule V to the said Act, in rule 5—

(a) under the heading "A.—Village Funds." in item (1), for the words "One-third of the land-cess", the words "One-fourth of the land-cess" shall be substituted; and

(b) under the heading "B.—District Funds", in item (1), for the words "Two-thirds of the land-cess", the words "Three-fourths of the land-cess" shall be substituted.

THE MADRAS MEDICAL REGISTRATION (AMENDMENT) ACT, 1945.

ACT No. XI OF 1945.

[30th June 1945.

An Act further to amend the Madras Medical Registration Act, 1914.

WHEREAS it is expedient further to amend the Madras Medical Registration Act, 1914, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS MEDICAL REGISTRATION (AMENDMENT) ACT, 1945.

Amendment of section 7, Madras Act IV of 1914.

2. To section 7 of the Madras Medical Registration Act, 1914, the following proviso shall be added, namely:—

"Provided that during the continuance of the present war and a period of six months thereafter, the Provincial Government may from time to time extend the said term of five years for such period as they think fit."

THE MADRAS PREVENTION OF COUCHING ACT, 1945.

ACT No. XII OF 1945.

[19th June, 1945.

An Act to prevent couching by unqualified persons.

WHEREAS it is expedient to prevent couching by unqualified persons;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title and extent.

1. (1) This Act may be called THE MADRAS PREVENTION OF COUCHING ACT, 1945.

(2) It extends to the whole of the Province of Madras.

Definitions.

2. In this Act—

(i) "couching" means the operative displacement by the use of a needle or other instrument, of the opaque crystalline lens of the eye so as to cause it to be below the axis of vision;

(ii) "registered practitioner" means a person registered under the Madras Medical Registration Act, 1914.

Penalty for unlawful couching.

3. Whoever, not being a registered practitioner, or not possessing a qualification entitling him to be registered under the Madras Medical Registration Act, 1914, performs or attempts to perform couching on a person whether with or without his consent, or agrees to perform couching on a person, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Offence to be cognizable, bailable and compoundable.

4. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence against this Act shall be cognizable and bailable and may be compounded with the permission of the Court.

Cognizance of offences.

5. (1) No Magistrate inferior to that of a Magistrate of the second class shall try any offence against this Act.

(2) No Magistrate shall take cognizance of any offence against this Act except—

(i) upon the complaint in writing made by the person on whom couching was performed or an attempt to perform couching was made; or

(ii) upon the report of a Police Officer not below the rank of Sub-Inspector; or

(iii) upon the report of any person or class of persons authorized by the Provincial Government in this behalf.

(3) No Magistrate shall take cognizance of any offence against this Act, unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed.

THE MADRAS PREVENTION OF BEGGING ACT, 1945.

ACT No. XIII OF 1945.

[24th June, 1945

An Act to provide for the prevention of begging in the Province of Madras except the City of Madras.

WHEREAS it is expedient to provide for the prevention of begging in the Province of Madras except the City of Madras;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Act may be called THE MADRAS PREVENTION OF BEGGING ACT, 1945.

(2) It extends to the whole of the Province of Madras except the City of Madras.

(3) This section shall come into force at once; and the Provincial Government may, from time to time by notification in the *Fort St. George Gazette*, direct that the remaining provisions of this Act shall come into force in such local area and on such date, as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'Juvenile Court' means a Court established under sub-section (1) of section 36 of the Madras Children Act, 1920, and if no such Court is established in any area, a Sub-Divisional Magistrate or a Magistrate of the first or second class specially authorized by the Provincial Government to exercise the powers of such Court;

(2) "special home" means a place notified by the Provincial Government in the *Fort St. George Gazette* as suitable for the reception of persons not physically capable of

ordinary manual labour, who are committed to a special home under any of the provisions of this Act;

(3) "workhouse" means a place notified by the Provincial Government in the *Fort St. George Gazette* as suitable for the reception of persons physically capable of ordinary manual labour, who are committed to a workhouse under any of the provisions of this Act.

Penalty for begging in public places.

3. Whoever in any public street, road, or thoroughfare or any place of public resort, or in any railway carriage or premises of a railway station, begs or applies for alms, or exposes or exhibits any sore, wound, bodily ailment, or deformity with the object of exciting charity or of extorting alms, shall be punishable with fine which may extend to fifty rupees or with imprisonment which may extend to one month.

Application of sections 5 to 10.

4. The provisions of sections 5 to 8 shall apply only if the Provincial Government have notified a place as a workhouse or as a special home; the provisions of section 9 shall apply if the Provincial Government have notified a place as a workhouse; and the provisions of section 10 shall apply if the Provincial Government have notified a place as a special home.

Persons arrested for offence under section 3 to be examined by medical officer.

5. Any person arrested by a Police-officer for an offence punishable under section 3 who in the opinion of such Police-officer has attained the age of sixteen years, shall without delay be taken before a medical officer not below the rank of Assistant Surgeon; and the medical officer shall after examining such person grant a certificate regarding his age and physical capacity for ordinary manual labour.

Arrested person to be produced before Juvenile Court, if found to be under 16.

6. If in the opinion of such medical officer the person arrested has not attained the age of sixteen years, such person shall without delay be produced, together with the certificate of the medical officer, before a Juvenile Court and the provisions of section 12 shall then apply to the case.

Arrested persons to be produced before Magistrate, if found to be 16 or over.

7. (1) If in the opinion of such medical officer the person arrested has attained the age of sixteen years, he shall without delay be produced before a Sub-divisional Magistrate or a Magistrate of the first or second class specially authorized by the Provincial Government in this behalf together with the certificate and a report by a Police-officer of the facts of the case.

(2) The Magistrate shall make a summary inquiry into the facts of the case and the circumstances and the character of the person produced before him.

(3) During such inquiry the Magistrate shall explain to such person the facts alleged against him in the Police report and record any statement which he may wish to make with reference thereto.

(4) If such person disputes the correctness of the Police report in any material respect, the Magistrate shall proceed as nearly as may be in accordance with the procedure laid down for the trial of summons cases in the Code of Criminal Procedure, 1898.

Orders to be passed by Magistrate if he finds accused to be under 16.

8. If the Magistrate finds that the person in respect of whom an inquiry is made under section 7 is guilty of an offence under section 3, but has not attained the age of sixteen years, the Magistrate may pass any order which a Juvenile Court could have passed if such person had been produced before it under sub-section (1) of section 12.

Power of Magistrate to commit able-bodied accused of 16 or over, to workhouse.

9. (1) If the Magistrate finds that the person in respect of whom such inquiry is made is guilty of an offence under section 3, has attained the age of sixteen years, and is physically capable of ordinary manual labour, the Magistrate may, if there is a workhouse, instead of sentencing him under section 3, order his committal to such workhouse for a specified period not exceeding three years:

Provided that the Magistrate may in his discretion order the release of such person if he gives an undertaking in writing that he will not again commit an offence under section 3 for such period not exceeding two years as the Magistrate may direct.

(2) Any person who commits an offence under section 3 in breach of an undertaking given by him under the proviso to sub-section (1), shall, if in the opinion of the

Magistrate he is physically capable of ordinary manual labour, be punishable with imprisonment for a term which may extend to six months:

Provided that the Magistrate may, instead of sentencing the offender as aforesaid, order his committal to a workhouse for a specified period not exceeding three years.

Power of Magistrate to commit accused who is not able-bodied to special home.

10. If the Magistrate finds that the person in respect of whom an inquiry is made under section 7 is guilty of an offence under section 3 and has attained the age of sixteen years but is not physically capable of ordinary manual labour, the Magistrate may, if there is a special home, instead of sentencing him under section 3, order his committal to such home for such period as the Magistrate may deem fit.

Magistrate's finding regarding age to be final.

11. Where a Magistrate has arrived at a finding regarding the age of a person dealt with by him under section 8, 9 or 10, such age shall, for the purposes thereof, be deemed to be his true age, and no order or judgment of the Magistrate shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that the age of such person was not correctly determined by the Magistrate.

Production of arrested person under 16 before Juvenile Court, and procedure and powers of such Court.

12. (1) If any person arrested by a Police-officer for an offence punishable under section 3 has, in the opinion of such Police-officer, not attained the age of sixteen years, he shall without delay be produced before a Juvenile Court and shall be dealt with under the provisions of the Madras Children Act, 1920, as modified by the provisions of this section:

Provided that if the Juvenile Court is satisfied on inquiry that such person has attained the age of sixteen years, it shall record a finding to that effect, and thereupon it shall be open to the Police to proceed against such person under section 3, or if there is a workhouse or a special home, under section 5; and in the latter case the medical officer referred to in section 5 shall be required to certify only regarding the physical capacity of such person for ordinary manual labour, and the finding of the Juvenile Court regarding the age of such person shall also be binding on the Magistrate before whom he may be produced.

(2) If the Juvenile Court finds on inquiry that any person brought before it under sub-section (1) has not attained the age of fourteen years and is guilty of an offence under section 3 and that he—

(a) has no home or settled place of abode or visible means of subsistence, or has no parent or guardian, or has a parent or guardian who does not exercise proper guardianship, or

(b) is destitute and both his parents or his surviving parent, or in the case of an illegitimate child, his mother, are or is undergoing transportation or imprisonment, or

(c) is under the care of a parent or guardian who by reason of criminal or drunken habits is unfit to have such care,

the Court may pass such order in respect of the offender as it could have passed if he had been brought before it under sub-section (1) of section 29 of the Madras Children Act, 1920:

Provided that if the Juvenile Court is satisfied that it is inexpedient to send the offender to a certified school by reason of his bodily ailment or incapacity or other cause, the Court may, if there is a special home and separate accommodation is provided in such home for persons who have not attained the age of fourteen years, order his committal to such home for a specified period not exceeding three years.

(3) If the Juvenile Court finds on inquiry that a person produced before it under sub-section (1) has attained the age of fourteen years but has not attained the age of sixteen years and that he is guilty of an offence under section 3, the Court may order his committal for a specified period not exceeding three years—

(a) in case it finds that he is physically capable of ordinary manual labour, to a workhouse, if there is one, and

(b) in case it finds that he is not physically capable of ordinary manual labour, to a special home, if there is one.

Power of Provincial Government to make rules.

13. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the management of workhouses and special homes, the detention of persons committed to such workhouses and special homes, and the maintenance, care, treatment and

instruction of such persons, including all matters relating to their diet and accommodation as well as their labour and general conduct;

(b) the discharge of persons from such workhouses and special homes;

(c) the obtaining of suitable employment outside such workhouses and special homes for persons detained therein; and

(d) the nature, incidents and maximum periods of the punishments to be imposed on persons detained in workhouses and special homes for breach of any rules or for failure or neglect to accept any suitable employment outside such workhouses and special homes which may be obtained for them.

Repeal. 14. Clause (8) of section 3 of the Towns Nuisances Act, 1889, is hereby repealed.

Saving. 15. Nothing contained in this Act shall apply to vagrants as defined in section 3 of the European Vagrancy Act, 1874.

THE MADRAS ESTATES LAND (SECOND AMENDMENT) ACT, 1945.

ACT No. XIV OF 1945.

[28th June, 1945.

An Act further to amend the Madras Estates Land Act, 1908.

WHEREAS it is expedient further to amend the Madras Estates Land Act, 1908, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title. 1. This Act may be called THE MADRAS ESTATES LAND (SECOND AMENDMENT) ACT, 1945.

Amendment of section 185-A, Madras Act I of 1908. 2. After sub-section (3) of section 185-A of the Madras Estates Land Act, 1908, the following sub-section shall be added, namely:—

"(4) Any order (including an order for costs) passed by a special Tribunal, whether before or after the commencement of the Madras Estates Land (Second Amendment) Act, 1945, shall, on application by the party concerned, be executed by the Collector within whose jurisdiction the land to which the order relates is situated, as if it were an order passed by him in a suit under this Act:

Provided that in computing the period of limitation for any such application in respect of an order passed before the commencement of the Madras Estates Land (Second Amendment) Act, 1945, the period between the date on which the special Tribunal was dissolved and the date of such commencement shall be excluded."

THE MADRAS ELECTRICITY (VALIDATION OF LEVY OF SURCHARGES) ACT, 1945.

ACT No. XV OF 1945.

[8th July, 1945.

An Act to validate the levy of surcharges on the price of electrical energy supplied by certain electrical undertakings.

WHEREAS the Government of Madras have issued certain orders under rule 81 of the Defence of India Rules directing the levy of certain surcharges on the price of electrical energy supplied by certain electrical undertakings;

AND WHEREAS doubts have arisen as to the validity of the levy of the surcharges in pursuance of the said orders;

AND WHEREAS it is expedient to remove such doubts;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title. 1. This Act may be called THE MADRAS ELECTRICITY (VALIDATION OF LEVY OF SURCHARGES) ACT, 1945.

Validation of levy of certain surcharges on the price of electrical energy.

2. Where any licensee under section 3 of the Indian Electricity Act, 1910, or the Electricity Department of the Government of Madras has, under the authority of any of the orders of the Provincial Government specified in column (1) of the Schedule, levied a surcharge on the price of electrical energy supplied during the period specified in the corresponding entry in column (2) of the Schedule, such surcharge shall be deemed to have been lawfully made and to have been lawfully payable, notwithstanding any stipulation inconsistent therewith or contrary thereto in any contract or agreement previously made and then subsisting and the propriety of any such surcharge shall not be called in question in any Court nor shall any claim for refund of any payment made by way of such surcharge be entertained by any Court.

SCHEDULE.

Orders of the Provincial Government. (1)	Period of supply of electrical energy. (2)
G.O. No. 2938, P.W., dated the 18th August 1942, as amended by G.O. No. 4124, P.W., dated the 11th November 1942, directing the levy of A.R.P. restrictions surcharge by licensees.	18th August 1942 to 31st March 1945 (both days inclusive).
G.O No. 2408, P.W., dated the 9th November 1943, directing the levy of a war conditions surcharge by licensees.	9th November 1943 to 31st March 1945 (both days inclusive).
G.O. No. 1101, P.W., dated the 10th April 1942, directing the levy of A.R.P. works surcharge by the Madras Electric Supply Corporation, Limited.	1st April 1942 to 31st May 1944 (both days inclusive).
G.O No. 726, P.W., dated the 30th April 1943, as amended by G.O. No. 1739, P.W., dated the 25th August 1943, directing the levy of a 5 per cent high-tension surcharge by the Electricity Department of the Government of Madras.	30th April 1943 to 31st March 1945 (both days inclusive).

THE MADRAS CITY IMPROVEMENT TRUST ACT, 1945.

ACT No. XVI OF 1945.

[12*th July*, 1945.

An Act to provide for the improvement and expansion of the City of Madras and the constitution of an Improvement Trust therefor.

WHEREAS it is expedient to make provision for the improvement and expansion of the City of Madras by opening up congested areas, laying out or altering streets, providing open spaces for purposes of ventilation or recreation, demolishing or constructing buildings, acquiring land for the said purposes and for the rehousing of persons displaced by the execution of improvement schemes, and otherwise as hereinafter appearing;

AND WHEREAS it is expedient that a Board of Trustees should be constituted and invested with special powers for carrying out the objects aforesaid;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

Short title, application and commencement.

1. (1) This Act may be called THE MADRAS CITY IMPROVEMENT TRUST ACT, 1945.

(2) It applies to the City of Madras, but the Provincial Government shall have power, subject to the provisions of section 144, by notification in the *Fort St. George Gazette* and from such date as may be specified therein, to apply all or any of the provisions of this Act to any specified area in the neighbourhood of the said City.

(3) This section shall come into force at once; and the rest of this Act shall come into force on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'betterment fee' means the fee prescribed by section 80 in respect of an increase in the value of land resulting from the execution of an improvement scheme;

(2) 'Board' means the Board of Trustees for the Improvement of the City of Madras, constituted under section 3;

(3) 'Chairman' means the Chairman of the Board;

(4) 'Corporation' means the Corporation of Madras constituted under the Madras City Municipal Act, 1919;

(5) 'Government' means the Provincial Government as defined in clause (43-a) of section 3 of the General Clauses Act, 1897;

(6) 'land' has the same meaning as in clause (*a*) of section 3 of the Land Acquisition Act, 1894;

(7) 'notification' means a notification published in the *Fort St. George Gazette*;

(8) 'prescribed' means prescribed by rules made under this Act;

(9) 'Secretary to the Board' means the person for the time being appointed by the Board to discharge the functions of the Secretary to the Board;

(10) 'Tribunal' means the Tribunal constituted under section 72, and until it is constituted, the Court having jurisdiction, or the special judicial officer appointed to perform the functions of the Court, in the City of Madras under the Land Acquisition Act, 1894, irrespective of whether the case arises within or outside the limits of the said City, and all references to the Tribunal shall be construed accordingly;

(11) 'Trustee' means a member of the Board, and '*ex-officio* Trustee' means the Commissioner of the Corporation of Madras or the Director of Town-Planning or the Director of Public Health;

(12) all words and expressions not defined in this Act shall have the meanings respectively assigned to them by the Madras City Municipal Act, 1919.

CHAPTER II.

THE BOARD OF TRUSTEES.

Constitution of the Board.

Creation and incorporation of Board.

3. The duty of carrying out the provisions of this Act shall, subject to the restrictions, conditions and limitations therein contained, be vested in a Board to be called "The Trustees for the Improvement of the City of Madras"; and such Board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

Constitution of the Board.

4. The Board shall consist of nine Trustees, as follows:—

(*a*) a Chairman, who shall be appointed by the Government;

(*b*) the Commissioner of the Corporation of Madras, *ex officio*;

(*c*) the Director of Town-Planning, *ex officio*;

(*d*) the Director of Public Health, *ex officio*;

(*e*) two members of the Council of the Corporation of Madras, elected by the Council;

(*f*) a member of the Chamber of Commerce, Madras, elected by the Chamber;

(*g*) a member of the Southern India Chamber of Commerce, elected by the Chamber;

(*h*) a person appointed by the Government.

Appointment and electiton of Trustees to be notified.

5. The appointment or election of the Chairman and the other Trustees shall be notified in the *Fort St. George Gazette*.

Appointment in default of election.

6. If any of the bodies referred to in clauses (*e*), (*f*) and (*g*) of section 4 does not, within such time as may be prescribed by the Government, elect a Trustee or Trustees, as the case may be, the Government shall, by notification, appoint a person or persons, being a member or members of such body, to be a Trustee or Trustees; and every person so appointed shall be deemed to be a Trustee duly elected by such body.

Disqualifications for election or appointment as Trustee.

7. (1) A person shall be disqualified for election or appointment as a Trustee, if he—

(*a*) has been sentenced by a Cirimnal Court to transportation or to imprisonment for a period of more than six months, such sentence not having been reversed or the offence pardoned:

Provided that the Government may direct that such sentence shall not operate as a disqualification;

(b) is an applicant to be adjudicated a bankrupt or insolvent, or is an uncertificated bankrupt or undischarged insolvent;

(c) holds any office or place of profit under the Board;

(d) has, directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by, or on behalf of, the Board; or

(e) is a director, or a secretary, manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board.

(2) A person shall not however be disqualified under clause (d) or clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reason only of his, or the incorporated company of which he is a director, secretary, manager or other salaried officer, having a share or interest in—

(i) any sale, purchase, lease, or exchange of immovable property or any agreement for the same;

(ii) any agreement for the loan of money, or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted;

(iv) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one financial year, of any article in which he or the incorporated company regularly trades; or by reason only of his having a share or interest, otherwise than as director, or secretary, manager or other salaried officer, in any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board.

Chairman to be whole-time officer.

8. The Chairman shall be a whole-time officer of the Board and shall not undertake any work unconnected with his office without the saction of the Government.

Remuneration of the Chairman.

9. The Chairman shall be paid such salary and allowances as may be fixed by the Government.

Leave of absence for the Chairman.

10. (1) The Government may grant leave of absence to the Chairman for such period as they think fit.

(2) The allowance, if any, to be paid to the Chairman while absent on leave shall be such amount, not exceeding his salary, as may be fixed by the Government:

Provided that, if the Chairman is a servant of the Crown, the amount of the allowance shall be such as he may be entitled to under the conditions of his service under the Crown relating to transfer to foreign service.

Appointment, etc., of acting Chairman.

11. (1) When the Chairman is granted leave of absence, the Government may appoint a person to act as Chairman.

(2) Any person so appointed—

(a) shall be paid such salary and allowances as may be fixed by the Government; and

(b) shall exercise the powers conferred, and perform the duties imposed, by or under this Act on the Chairman, and shall be subject to the same liabilities, restrictions and conditions as the Chairman.

Leave of absence to other Trustees.

12. The Board may permit any Trustee, other than the Chairman or an *ex-officio* Trustee, to absent himself from meetings of the Board for any period not exceeding such limit (which shall not be less than four consecutive months) as may be prescribed by the Government.

Removal of Chairman and other Trustees.

13. (1) If at any time it appears to the Government that the Chairman has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, they may, by notification, remove the Chairman from office.

(2) The Government may, by notification, remove any Trustee (other than an *ex-officio* Trustee) from office—

(a) if, in the opinion of the Government, he has contravened the provisions of section 21, or

(b) if he has, without the permission of the Board, been absent from the meetings of the Board for any period exceeding three consecutive months, or

(c) if he has been absent from the meetings of the Board for any period exceeding the limit prescribed under section 12, or

(d) if he is a salaried servant of the Government and his continuance in office as a Trustee is, in the opinion of the Government, undesirable, or

(e) if he, being a legal practitioner, acts or appears on behalf of any person in any suit or other legal proceeding against the Board or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person, or

(f) if in the opinion of the Government he is unsuitable or has become incapable of acting as a Trustee or has so abused his position as a Trustee as to render his continuance as such detrimental to the public interest:

Provided that when the Government propose to take action under this sub-section, an opportunity of explanation shall be given to the Trustee concerned, and, when such action is taken, the reasons therefor shall be placed on record.

(3) The Government shall, by notification, remove any Trustee (other than an *ex-officio* Trustee) from office—

(i) if he has become disqualified for election or appointment as a Trustee for any of the reasons mentioned in section 7; or

(ii) if he was elected or appointed as being a member of the Council of the Corporation of Madras, the Madras Chamber of Commerce, or the Southern India Chamber of Commerce and if at the date of such notification, he is no longer a member of such Council or Chamber.

(4) A Trustee removed under any of the provisions of clauses (a) to (e) of sub-section (2) shall be disqualified for election or appointment as a Trustee for a period of three years from the date of his removal unless otherwise ordered by the Government.

(5) A Trustee removed under clause (f) of sub-section (2) shall not be eligible for re-appointment or re-election until he is declared by an order of the Government to be no longer ineligible.

Filling of casual vacancies in certain cases.

14. If any Trustee, other than an *ex-officio* Trustee, is permitted by the Board to absent himself from its meetings for any period exceeding three months, or if any such Trustee dies, or resigns his office, or is removed from office under section 13, the vacancy shall be filled within two months by a fresh appointment or election, as the case may be.

Term of office of Chairman and other Trustees.

15. (1) The term of office of the first Trustees, including the Chairman and the *ex-officio* Trustees, shall commence on such day as may be appointed by the Government.

(2) Subject to the provisions of section 13, the term of office of Trustees including the Chairman but not including the *ex-officio* Trustees shall be as follows:—

(a) the Chairman—such period as may be fixed by the Government, not being less than three years commencing, in the case of the first Chairman, on the day appointed under sub-section (1) and in the case of any subsequent Chairman on the date on which his appointment is notified;

(b) a Trustee appointed or elected in pursuance of section 14 in the place of a Trustee who has been permitted to absent himself from meetings of the Board—the period of the absence of the latter Trustee;

(c) other Trustees—three years commencing in the case of the first Trustees on the day appointed under sub-section (1), and in the case of subsequent Trustees on the date on which their election or appointment, as the case may be, is notified.

(3) A Trustee shall, if not disqualified for any of the reasons mentioned in section 7, be eligible for re-appointment or re-election at the end of his term of office.

Conduct of Business.

Meetings of Board.

16. The Board shall meet, and shall from time to time make such arrangements with respect to the place, day, hour, notice, management and adjournment of its meetings as it may think fit, subject to the following provisions, namely:—

(a) an ordinary meeting shall be held once at least in every month;

(b) the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two other Trustees, call a special meeting;

(c) the Chairman shall attend every meeting of the Board unless absent on leave or prevented by sickness or other reasonable cause;

(d) no business shall be transacted at any meeting unless there be present at least one-half of the number of the Trustees then in office;

(e) every meeting shall be presided over by the Chairman and in his absence by a Trustee chosen by the meeting to preside for the occasion;

(*f*) all questions at any meeting shall be decided by a majority of the Trustees present and voting at the meeting, and in every case of equality of votes, the person presiding shall have and exercise a second or casting vote;

(*g*) if a poll be demanded, the names of the Trustees voting, and the nature of their votes, shall be recorded by the person presiding;

(*h*) minutes of the proceedings at each meeting (together with the names of the Trustees present) shall be recorded in a book to be provided for the purpose and such minutes shall be read at the next ensuing meeting and signed by the person presiding at such meeting. The minutes book shall be open to inspection by any Trustee during office hours.

Power of Board to co-opt members for paricular purposes.

17. (1) The Board may associate with itself, in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person so associated shall not be deemed to be a member of the Board and shall have no right to vote at any meeting thereof, but he may take part in the discussions of the Board relating to the purpose or purposes for which he was associated with the Board.

Constitution and functions of Committees.

18. (1) The Board may, from time to time, appoint Committees consisting of such persons of any of the following classes as it may think fit, namely:—

(*i*) Trustees,

(*ii*) persons associated with the Board under section 17,

(*iii*) other persons whose assistance or advice the Board may desire as members of Committees:

Provided that no Committee shall consist of less than three persons.

(2) The Board may—

(*a*) refer to such Committees, for inquiry and report, any matter relating to any of the purposes of this Act, and

(*b*) delegate to such Committees, by specific resolution and subject to any rules made in this behalf, any of the powers or duties of the Board.

(3) The Board may, at any time, dissolve, or, subject to the provisions of sub-section (1), alter the constitution of any such Committee.

(4) Every such Committee shall conform to any instructions from time to time given to it by the Board.

(5) All proceedings of any such Committee shall be subject to confirmation by the Board.

Meetings of Committees.

19. (1) A Committee appointed under section 18 may meet and adjourn as it thinks proper; but the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than two members thereof, call a special meeting of such Committee.

(2) Every meeting of a Committee shall be presided over by the Chairman if he is a member of the Committee, and, if he is not a member or is absent from the meeting, by a member chosen by the meeting to preside for the occasion.

(3) No business shall be transacted at any meeting of a Committee unless there be present at least one-half of the number of the members constituting the Committee.

(4) All questions at any meeting of a Committee shall be decided by a majority of the members present and voting at the meeting, and in every case of equality of votes the person presiding shall have and exercise a second or casting vote.

Trustees (other than Chairman), and associated members of Board or Committee not to receive any fee for attendance at meetings.

20. (1) No Trustee (other than the Chairman), and no person associated with the Board under section 17 shall receive or be paid from the funds of the Board any fee or other remuneration for attending any meeting of the Board or of a Committee appointed under section 18.

(2) No person appointed as a member of a Committee under clause (*iii*) of section 18 (1) shall receive or be paid from the funds of the Board any fee or other remuneration for attending any meeting of such Committee.

Trustees and associated members of Board or Committee not to take part in proceedings in which they are personally interested.

21. (1) A Trustee who—

(a) has directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in sub-section (2) of section 7 in respect of any matter, or

(b) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid,

shall not vote or take any other part in any proceeding of the Board or any Committee relating to such matter.

(2) If any Trustee or any person associated with the Board under section 17, or any other member of a Committee appointed under section 18, has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any improvement scheme framed under this Act, or in an area in which it is proposed to acquire land for any of the purposes of this Act—

(i) he shall, before taking part in any proceeding at a meeting of the Board or any Committee relating to such area, inform the person presiding at the meeting of the nature of such interest;

(ii) he shall not vote at any meeting of the Board or any Committee upon any resolution or question relating to such land; and

(iii) he shall not take any other part in any proceeding at a meeting of the Board or any committee relating to such area, if the person presiding at the meeting considers it inexpedient that he should do so.

Power to make and perform contracts.

22. The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

Execution of contracts and approval of estimates.

23. (1) Every contract shall be made on behalf of the Board by the Chairman:

Provided that—

(a) a contract involving an expenditure exceeding three thousand rupees but not exceeding such limit as may be prescribed by the Government shall not be made by the Chairman without the previous sanction of the Board; and

(b) a contract involving an expenditure exceeding the limit aforesaid shall not be made by the Chairman without the previous sanction of the Board and the Government.

(2) Every estimate for the expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of the authority or authorities empowered under sub-section (1) to make, or as the case may be, to sanction the making of, a contract involving the expenditure of a like sum.

(3) Sub-sections (1) and (2) shall apply to every variation or abandonment of a contract or estimate, as well as to an original contract or estimate.

Further provisions as to execution of contracts.

24. (1) Every contract made by thee Chairman on behalf of the Board shall be entered into in such manner and form as would bind the Chairman if such contract were made on his own behalf, except that the common seal of the Board shall be used, where necessary; and every such contract may in the like manner and form be varied or discharged.

(2) Every contract for the execution of any work, or the supply of any materials or goods, which involves an expenditure exceeding one thousand rupees, shall be in writing, and shall be sealed.

(3) The common seal of the Board shall remain in the custody of the Secretary to the Board, and shall not be affixed to any contract or other instrument except in the presence of a Trustee (other than the Chairman), who shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

(4) The signature of the said Trustee shall be in addition to the signature of any witness to the execution of such contract or instrument.

(5) A contract not executed as provided in this section shall not be binding on the Board.

Tenders.

25. (1) At least seven days before enering into any contract for the execution of any work or the supply of any materials or goods which involves an expenditure exceeding three thousand rupees, the Chairman shall give notice by advertisement, in local newspapers, inviting tenders for such contract.

(2) In every such case the Chairman shall place before the Board the specifications, conditions and estimates and all the tenders received, specifying the particular tender, if any, which he proposes to accept.

(3) In every case in which the acceptance of a tender would involve an expenditure exceeding the limit prescribed under clause (a) of the proviso to section 23 (1), the Board shall submit to the Government the specifications, conditions and estimates, and all the tenders received, specifying the particular tender, if any, the acceptance of which it proposes to sanction.

(4) Neither the Board nor the Government shall be bound to sanction the acceptance of any tender which has been made; but the Board, within the pecuniary limits of its powers as laid down in clause (*a*) of the proviso to section 23 (1), and the Government in the cases referred to in clause (*b*) of the said proviso, may sanction the acceptance of any of such tenders which appears to it or them, upon a consideration of all the circumstances, to be the most advantageous, or may direct the rejection of all the tenders received.

Security for due performance of contract.

26. The Chairman shall take sufficient security for the due performance of every contract involving an expenditure exceeding one thousand rupees.

Supply of documents and information to the Government.

27. (1) The Chairman shall forward to the Government a copy of the minutes of the proceedings of each meeting of the Board, within ten days from the date on which the minutes are signed as required by clause (*h*) of section 16.

(2) The Chairman shall, if so directed by the Government, forward to them a copy of all papers which were laid before the Board for consideration at any meeting.

(3) The Government may require the Chairman to furnish them with—

(*a*) any return, statement, estimate, statistics or other information regarding any matter under the control of the Board, or

(*b*) a report on any such matter, or

(*c*) a copy of any document in the charge of the Chairman.

Officers and Servants.

Statement of strength and remuneration of staff.

28. (1) The Board shall from time to time prepare, and shall maintain, a statement showing—

(*a*) the number, designations and grades of the officers and servants (other than employees who are paid by the day or whose pay is charged to temporary work) whom it considers it necessary and proper to employ for the purposes of this Act,

(*b*) the amount and nature of the salary, fees and allowances to be paid to each such officer or servant, and

(*c*) the contributions payable under section 142, in respect of each such officer or servant.

(2) All statements prepared under sub-section (1) shall, so far as they relate to posts the monthly salary or the maximum monthly salary of which exceeds one thousand rupees, be subject to the previous sanction of the Government.

Service rules.

29. The Board shall with the previous sanction of the Government make rules—

(*a*) fixing the amount and nature of the security to be furnished by any officer or servant of the Board from whom it may be deemed expedient to require security;

(*b*) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Board:

Provided that a servant of the Crown employed as an officer or servant of the Board shall not be entitled to leave or leave allowances otherwise than as may be laid down in the conditions of his service under the Crown relating to transfer to foreign service;

(*c*) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers or servants of the Board (other than any servant of the Crown in respect of whom a contribution is paid under section 142), to subscribe to such fund at such rates and subject to such conditions as may be prescribed by such rules, and for supplementing such subscriptions out of the funds of the Board;

(*d*) for determining the conditions under which the officers and servants of the Board or any of them shall on retirement receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances:

Provided that it shall be at the discretion of the Board to determine whether all such officers and servants or any and, if so, which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid.

Appointing authorities.

30. (1) Subject to any rules made under section 29 and for the time being in force, the power of making appointments and promotions to posts in the service of the Board, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct, and of discharging such officers and servants from the service of the Board for any other reason, shall be exercised by the undermentioned authorities:—

(*a*) In the case of posts the monthly salary or the maximum monthly salary of which does not exceed five hundred rupees and officers and servants holding such posts—the Chairman.

(*b*) In the case of posts the monthly salary or the maximum monthly salary of which exceeds five hundred rupees but does not exceed one thousand rupees and officers and servants holding such posts—the Board.

(*c*) In the case of posts the monthly salary or the maximum monthly salary of which exceeds one thousand rupees and officers and servants holding such posts—the Board, subject to the previous sanction of the Government:

Provided that a servant of the Crown or of a local body whose services have been lent to the Board, shall not be so punished except by an authority which would have been competent to do so, if his services had not been so lent, and the Chairman or the Board, as the case may be, shall be entitled only to make a recommendation in that behalf to such authority.

(2) Against any order under sub-section (1) imposing any punishment on him, an officer or servant of the Board may appeal—

(*a*) to the Board, if the order was passed by the Chairman, and

(*b*) to the Government, if the order was passed by the Board.

Control by Chairman.

31. The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Board, and, subject to the foregoing sections, shall dispose of all questions relating to the service of the said officers and servants, and their salaries, allowances and privileges.

Delegation of certain of Chairman's functions.

32. (1) The Chairman may, by general or special order in writing, delegate to any officer of the Board any of the Chairman's powers, duties or functions under this Act or any rule made thereunder, except those conferred or imposed upon or vested in him by sections 16, 19 27, 107, 111, 115, 117, 151 and 155:

Provided that—

(*a*) the Chairman shall not delegate his power under section 23 to make on behalf of the Board any contract involving an expenditure exceeding three thousand rupees;

(*b*) the Chairman shall not delegate his power under section 30 to make appointments to posts the month salary or the maximum monthly salary of which exceeds one hundred rupees;

(*c*) the Chairman shall not delegate to any officer any of his powers under section 30 in respect of any employee of the Board, unless such employee was appointed by such officer by virtue of a delegation of the Chairman's power of appointment under that section.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such restrictions, conditions and limitations (if any) as may be laid down by the Chairman, and shall also be subject to his control and revision.

Explanation.—Against any order of the nature referred to in sub-section (2) of section 30 passed by a person to whom the Chairman's power in that behalf has been delegated, an appeal shall lie to the Board, unless the Chairman has himself revised the order of such person, in which case an appeal shall lie to the Board against the order of the Chairman.

CHAPTER III.

IMPROVEMENT SCHEMES.

Power of Board to undertake works and incur expenditure for improvement, etc.

33. The Board may, subject to the control of the Government, undertake any works and incur any expenditure for the improvement or development of any area to which this Act applies, and for the framing and execution of such improvement schemes as may be necessary from time to time.

Matters to be provided for by improvement scheme.

34. An improvement scheme may provide for all or any of the following matters, namely:—

(*a*) the acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme;

(*b*) the re-laying out of any land comprised in the scheme;

(*c*) the redistribution of sites belonging to owners of property comprised in the scheme;

(*d*) the closure or demolition of dwellings or portions of dwellings unfit for human habitation;

(*e*) the demolition of obstructive buildings or portions of buildings;

(*f*) the construction and reconstruction of buildings;

(*g*) the sale, letting, or exchange of any property comprised in the scheme;

(*h*) the construction and alteration of streets and back lanes;

(*i*) the draining, water-supply and lighting of streets so constructed or altered;

(*j*) the provision of open spaces for the benefit of any area comprised in the scheme or any adjoining area, and for the enlargement of existing open spaces and approaches;

(k) the provision of sanitary arrangements required for the area comprised in the scheme, including the conservation of and prevention of injury or contamination to rivers or other sources and means of water-supply;

(l) the provision of accommodation for any class of the inhabitants;

(m) the advance of money for the purposes of the scheme;

(n) the provision of facilities for communication;

(o) the reclamation or reservation of land for market-gardens, afforestation, the provision of fuel and grass-supply, and other needs of the population;

(p) any other matter for which, in the opinion of the Government, it is expedient to make provision with a view to the improvement of any area comprised in the scheme or of any adjoining area or the general efficiency of the scheme.

Types of improvement schemes.

35. An improvement scheme shall be of one of the following types, or a combination of any two or more of such types, or of any special features thereof, that is to say—

(a) a general improvement scheme;

(b) a re-building scheme;

(c) a re-housing scheme;

(d) a street scheme;

(e) a deferred street scheme;

(f) a development scheme;

(g) a housing accommodation scheme; and

(h) a town-expansion scheme.

General improvement scheme.

36. Whenever it appears to the Board—

(a) that, in any area, any buildings used or intended or likely to be used as dwelling-places are unfit for human habitation, or

(b) that danger to the health of the inhabitants of buildings in any area, or of buildings in the neighbourhood of such area is caused by—

(i) the narrowness, closeness, or bad arrangement or condition of streets or buildings or groups of buildings in such area, or

(ii) the want of light, air, ventilation or proper conveniences in such area, or

(iii) any other sanitary defects in such area,

the Board may pass a resolution to the effect that such area is an insanitary area, and that a general improvment scheme ought to be framed in respect of such area, and shall then proceed to frame such a scheme.

Re-building scheme.

37. (1) Whenever it appears to the Board that any area is an insanitary area within the meaning of the preceding section and that, having regard to the comparative value of the buildings in such area and of the sites on which they are erected, the most satisfactory method of dealing with the area or any part thereof is a re-building scheme, the Board may pass a resolution to that effect, and shall then proceed to frame a scheme in accordance with the provisions of this section.

(2) A re-building scheme may provide for—

(a) the reservation of streets, lanes, and open spaces and the enlargement of existing streets, lanes, and open spaces to such an extent as may be necessary for the purposes of the scheme;

(b) the re-laying out of the sites of the area upon streets, lanes or open spaces so reserved or enlarged;

(c) the payment of compensation in respect of any such reservation or enlargement, and the construction of the streets, lanes and open spaces so reserved or enlarged;

(d) the reconstruction, alteration or demolition of the existing buildings and their appurtenances by the owners, or by the Board in default of the owners, and the erection of buildings in accordance with the scheme by the said owners or by the Board in default of the owners, upon the sites as defined under the scheme;

(e) the advance to the owners, upon such terms and conditions as to interest, sinking fund and otherwise as may be provided under the scheme, of such sums as may be necessary to assist them to reconstruct or alter existing buildings or to erect new buildings in accordance with the scheme;

(f) the acquisition by the Board of any site or building comprised in the area included in the scheme.

Re-housing scheme.

38. The Board may frame schemes (herein called re-housing schemes) for the construction, maintenance, and management of such and so many dwellings and shops as it may consider necessary for persons who—

(a) are displaced by the execution of any improvement scheme sanctioned under this Act, or

(b) are likely to be displaced by the execution of any improvement scheme which it is intended to frame, or to submit to the Government for sanction, under this Act.

Street scheme.

39. (1) Whenever the Board is of opinion that, for the purpose of—

(a) providing building sites, or

(b) remedying defective ventilation, or

(c) creating new or improving existing means of communication and facilities for traffic, or

(d) affording better facilities for conservancy,

it is expedient to lay out new streets or alter existing streets (including bridges, causeways and culverts) in any area, the Board may pass a resolution to that effect, and shall then proceed to frame a street scheme for such area.

(2) A street scheme may within the limits of the area comprised in the scheme, provide for the following matters:—

(a) the acquisition of any land which will, in the opinion of the Board, be necessary for its execution;

(b) the re-laying out of all or any of the lands so acquired including the construction and reconstruction of buildings by the Board or by persons authorized by the Board in that behalf and the laying out, construction and alteration of streets and thoroughfares;

(c) the draining, water-supply and lighting of streets and thoroughfares so laid out, constructed or altered;

(d) the raising, lowering or reclamation of any land vested in, or to be acquired by, the Board for the purposes of the scheme;

(e) the provision of open spaces for the better ventilation of the area comprised in the scheme;

(f) the acquisition of any land, adjoining any street, thoroughfare, or open space to be formed under the scheme.

Deferred street scheme.

40. (1) Whenever the Board is of opinion that it is expedient for any of the purposes mentioned in section 39 to provide for the ultimate widening of any street by altering the existing alignments of such street to improved alignments to be prescribed by the Board, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved alignments, the Board, if satisfied as to the sufficiency of its resources, may pass a resolution to that effect, and shall proceed to make a scheme to be called a "deferred street scheme" prescribing an alignment on each side of the street.

(2) A deferred street scheme shall provide for—

(a) the acquisition of the whole or any part of any property lying within the prescribed street alignments within the time-limit specified in the scheme which may be extended by the Government;

(b) the re-laying out of all or any such property, including the construction and reconstruction of buildings by the Board or by any other person, and the formation and alteration of the street;

(c) the draining, water-supply and lighting of the streets so formed or altered.

(3) After a deferred street scheme has been sanctioned by the Government—

(a) no person shall, except with the written permission of the Board, erect, re-erect, add to or alter any building or wall so as to make the same project into the prescribed alignment of the street;

(b) if the Board fails to acquire or to institute proceedings for the acquisition of any property within the prescribed alignment of any street, within the time-limit specified in the scheme or extended by the Government, the owner of such property may at any time thereafter, give the Board notice requiring it to acquire or to institute proceedings for the acquisition of such property before the expiration of six months from the date of such notice, and thereupon the Board shall acquire, or institute such proceedings and acquire the property accordingly; and if the Board fails to do so, it shall pay reasonable compensation to the owner for any damage sustained by him in consequence of such failure;

(c) before proceeding to acquire any property lying within the prescribed alignment of the street [other than property regarding which it has received a notice under clause (b)], the Board shall give six months' notice to the owner of its intention to acquire such property;

(d) notwithstanding anything contained in the Madras City Municipal Act, 1919, the Corporation shall not have power to prescribe any alignment of the street within the limits of the scheme, and any such alignment previously prescribed within such limits shall cease to be the alignment of the street.

Development scheme.

41. (1) In regard to any area outside the City to which this Act is applied, the Board may, from time to time, prepare a scheme of proposed public streets with plans showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) When any such scheme has been notified under Section 53, the street to which it refers shall be deemed to be a projected public street.

(3) No person shall, without the permission of the Board, erect, re-erect, add to, or alter any building or wall so as to make the same project into the street alignment or beyond the building line shown in any plan so adopted.

(4) If the Board refuses to grant permission to any person to erect on his land any building or wall to project as aforesaid and if it does not proceed to acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

(5) When any building or wall projecting into or beyond, or adjacent to, the street alignment or building line shown in any plan adopted as aforesaid has fallen, or been demolished or burnt down, the Chairman may, by written notice, require or permit the same to be set back, or set forward, as the case may be, from or towards such street alignment or building line.

(6) When any building or wall is set back or set forward in pursuance of a requisition made under sub-section (5), the Board shall make full compensation to the owner of the building or wall for any damage that he may sustain thereby.

(7) If the requisition or permission under sub-section (5) to set forward any building or wall involves the inclusion within the premises of the owner of the building or wall, of any land belonging to the Board, the requisition or permission shall operate as a conveyance of such land to the said owner on the terms and conditions specified therein.

(8) If the owner is dissatisfied with any of the terms and conditions aforesaid, he may within fifteen days after the communication to him of such terms and conditions, apply to the Chairman in writing for a reference of his case to the Tribunal. On receipt of such application, the Chairman shall refer the case to the Tribunal and its decision shall be final.

(9) When any scheme under this section is sanctioned by the Government, notwithstanding anything contained in the Madras City Municipal Act, 1919, the Corporation shall not have power to prescribe the alignment of any street within the limits of the scheme, and any alignment previously prescribed within such limits shall cease to be the alignment of the street.

Housing accommodation scheme.

42. Whenever the Board is of opinion that it is expedient and for the public advantage to provide housing accommodation for any class of the inhabitants of any area, the Board may frame a scheme, to be called a "housing accommodation scheme".

Town expansion scheme.

43. (1) Whenever the Board is of opinion that it is expedient and for the public advantage to control and provide for the future expansion or development of the City, the Board may frame a scheme to be called a "town-expansion scheme."

(2) Such scheme shall ordinarily be framed in respect of an area wholly without the limits of the City, but may, in special circumstances and with the previous sanction of the Government, be framed in respect of an area which lies wholly within, or partly within and partly without, the City:

Provided that the Government shall, before giving their sanction to any such scheme, satisfy themselves that a development scheme under section 41 in respect of the area would not be suitable.

(3) Such scheme shall specify the proposed lay-out of the area to be developed and the purposes for which particular portions thereof are to be utilized.

(4) The provisions of clause (a) of sub-section (2) of section 51 shall not apply to a town-expansion scheme under this section, but the Board shall be required to supply to the Government such details as they may consider necessary.

(5) After any such scheme has been notified under section 53, no person shall, without the permission of the Board, erect, re-erect, add to, or alter any building or wall within the area comprised in the scheme.

(6) If the Board refuses to grant permission to any person to erect, re-erect, add to, or alter any building or wall on his land in the area aforesaid and does not proceed to

acquire such land within one year from the date of such refusal, the Board shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

Procedure to be followed in framing an improvement scheme.

Official representation.

44. (1) An improvement scheme may be framed by the Board on its own motion, or on an official representation by the Corporation.

(2) The official representation referred to in sub-section (1) may be made by the Corporation—

(*a*) on its own motion, or

(*b*) on a written application by its Commissioner, or

(*c*) in respect of any area comprised in any division of the City, on a written application signed by twenty-five or more residents of such division who are liable to pay property-tax under the Madras City Municipal Act, 1919.

(3) If the Corporation decides not to make an official representation on any application made to it under clause (*b*) or clause (*c*) of sub-section (2), it shall cause a copy of such application to be sent to the Board with a statement of the reasons for its decision.

Consideration of official representation.

45. (1) The Board shall consider every official representation made under section 44 and, if satisfied as to the necessity for an improvement scheme on the lines recommended therein and as to the sufficiency of its resources for executing such a scheme, shall decide whether the scheme should be framed forthwith or not, and shall intimate its decision to the Corporation.

(2) If the Board decides that it is not necessary or expedient either to frame an improvement scheme or to frame the scheme forthwith, it shall inform the Corporation of the reasons for its decision.

(3) If the Board fails, for a period of twelve months after the receipt of any official representation made under section 44, to intimate its decision thereon to the Corporation, or if the Board intimates to the Corporation its decision that it is not necessary or expedient to frame an improvement scheme forthwih or decides to frame a scheme of a type other than that recommended by the Corporation, the Corporation may, if it thinks fit, refer the matter to the Government.

(4) The Government shall consider every reference made to them under sub-section (3), and—

(*a*) if they consider that the Board ought, in all the circumstances, to have passed a decision within the period mentioned in sub-section (3), shall direct the Board to pass a decision within such further period as the Government may think reasonable, or

(*b*) if they consider that it is, in all the circumstances, expedient that a scheme should forthwith be framed, shall direct the Board to proceed forthwith to frame a scheme. Such a direction may prescribe the type of scheme to be framed.

(5) The Board shall comply with every direction given by the Government under sub-section (4).

Matters to be considered when framing improvement schemes.

46. When framing an improvement scheme in respect of any area, regard shall be had to—

(*a*) the nature and the conditions of neighbouring areas and of the City as a whole;

(*b*) the directions in which the expansion of the City appears likely to take place; and

(*c*) the likelihood of improvement schemes being required for other parts of the City.

Preparation, publication and transmission of notice as to improvement schemes, and supply of documents to applicants.

47. (1) When any improvement scheme has been framed, the Board shall prepare a notice stating that fact and specify—

(*a*) the boundaries of the area comprised in the scheme, and

(*b*) the place at which particulars of the scheme, a map of the area comprised in the scheme, and a statement of the land which it is proposed to acquire and of the land in regard to which it is proposed to recover a betterment fee, may be seen at reasonable hours.

(2) The Board shall—

(*a*) cause the said notice to be pubished weekly for three consecutive weeks in the *Fort St. George Gazette* and in local newspapers specifying the period within which objections will be received, and

(b) send a copy of the notice to the Commissioner of the Corporation.

(3) The Chairman shall cause copies of all documents referred to in clause (b) of sub-section (1) to be delivered to any applicant on payment of the fee prescribed by the Board.

Transmission to Board of representation by Corporation as to improvement scheme.

48. The Commissioner of the Corporation to whom a copy of a notice has been sent under clause (b) of sub-section (2) of section 47 shall, within a period of sixty days from the receipt of the said copy, forward to the Board any representation which the Corporation may think fit to make with regard to the scheme.

Notice of proposed acquisition of land.

49. (1) During the thirty days following the day on which any notice is first published under section 47 in respect of any improvement scheme, the Board shall serve a notice on—

(a) every person whose name appears in the assessment list of the Corporation or the municipality or local board concerned as being primarily liable to pay property tax on any building or land which it is proposed to acquire in executing the scheme, or in regard to which the Board proposes to recover a betterment fee, and

(b) the occupier (who need not be named) of each premises entered in the assessment list of the Corporation or the municipality or local board concerned which the Board proposes to acquire in executing the scheme.

(2) Such notice shall—

(a) state that the Board proposes to acquire such land or to recover such betterment fee for the purpose of carrying out an improvement scheme, and

(b) require such person, if he objects to such acquisition or to tht recovery of such betterment fee, to state his reasons in writing within a period of sixty days from the service of the notice.

(3) Every such notice shall be signed by the Chairman or by a person authorized by him in that behalf.

Furnishing of copies or extracts from the assessment book of the Corporation.

50. The Commissioner of the Corporation or the executive authority of any municipality or local board in which the area was previously included shall furnish the Chairman, at his request, with a copy of, or extracts from, the assessment list of the Corporation or of the municipality or local board, as the case may be, on payment of such fees as may be prescribed by the Government in that behalf.

Abandonment of improvement scheme, or application to Government to sanction it.

51. (1) After considering the objections and representations, if any, received in pursuance of sub-section (2) of section 47, section 48 and clause (b) of sub-section (2) of section 49, and after hearing all persons making any such objection or representation who may desire to be heard, the Board may either abandon the scheme or apply to the Government for sanction to the scheme, with such modifications, if any, as the Board may consider necessary.

(2) Every application for sanction under sub-section (1) shall be accompanied by—

(a) a description of, and full particulars relating to, the scheme and complete plans and estimates of the cost of executing the scheme;

(b) a statement of the reasons for any modifications made in the scheme as originally framed;

(c) a statement of the objections, if any, received under section 47;

(d) any representation received under section 48;

(e) a list of the names of all persons, if any, who have objected under clause (b) of sub-section (2) of section 49, to the proposed acquisition of their land or to the proposed recovery of a betterment fee and a statement of the reasons given for such objection;

(f) a statement of the arrangements, if any, made or proposed by the Board for the re-housing of persons who are likely to be displaced by the execution of the scheme; and

(g) such other particulars as may be prescribed by the Government.

(3) When any application has been submitted to the Government under sub-section (1), the Board shall cause notice of the fact to be published weekly for two consecutive weeks in the *Fort St. George Gazette* and in local newspapers.

Power to sanction, reject or return improvement scheme.

52. (1) The Government may sanction, either with or without modification, or may refuse to sanction, or may return for reconsideration, any improvement scheme submitted to them under section 51.

(2) If a scheme returned for reconsideration under sub-section (1) is modified by the Board, it shall be republished in accordance with section 47—

(a) in every case in which the modification affects the boundaries of the area comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired, and

(b) in every other case, unless the modification is in the opinion of the Government, not of sufficient importance to require republication.

Notification of sanction of improvement scheme.

53. (1) Whenever the Government sanction an improvement scheme, they shall announce the fact by notification and, except in the case of a deferred street scheme, development scheme or town expansion scheme, the Board shall forthwith proceed to execute the same.

(2) The publication of a notification under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

Alteration of improvement scheme after sanction.

54. At any time after an improvement scheme has been sanctioned by the Government and before it has been carried into execution, the Board may alter it:

Provided that—

(a) if any alteration is considered likely to increase the estimated net cost of executing a scheme by more than five per cent. or by more than Rs. 50,000, such alteration shall not be made without the previous sanction of the Government;

(b) if any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the Government, the procedure prescribed in the foregoing sections of this chapter shall, so far as applicable, be followed as if the alteration were a separate scheme;

(c) if, owing to any alteration, any land not previously liable under the scheme to the payment of a betterment fee, becomes liable to such payment, the procedure prescribed in sections 47, 49 and 51 shall, so far as applicable, be followed in regard to such land.

Combination of improvement schemes.

55. The Board may at any time include in a combined scheme the improvement schemes framed or proposed to be framed for two or more areas.

Width of streets and levelling, etc., thereof.

56. (1) No street laid out or altered by the Board shall be less than forty feet wide, if it is intended for carriage traffic, or less than twenty feet wide, if it is intended for pedestrian traffic only:

Provided that—

(i) the width of an existing street need not be increased to the minimum required by this sub-section if, in the opinion of the Board, such increase is impracticable;

(ii) nothing in this sub-section shall apply to service passages for sanitary purposes.

(2) In every street laid out or altered by the Board, the Board shall make provision for the levelling, paving, metalling, flagging, channelling, sewering and draining of the street, and the provision therein of lighting, water and other sanitary conveniences ordinarily provided in a municipality.

Transfer to the Board for purposes of improvement scheme of building or land vested in the Corporation or in a municipality or local board.

57. (1) Whenever any building, or any street, square, or other land, or any part thereof, which—

(a) is situated in the City and is vested in the Corporation, or

(b) is situated in any part of a municipality constituted under the Madras District Municipalities Act, 1920, in which this section is for the time being in force, and is vested in that municipality, or

(c) is situated in any area included within the jurisdiction of a local board constituted under the Madras Local Boards Act, 1920, in which this section is for the time being in force, and is vested in that local board,

is within the area of any improvement scheme and is required for the purposes of such scheme, the Board shall give notice accordingly to the Commissioner of the Corporation or the executive authority of such municipality or local board, as the case may be, and such building, street, square, other land or part thereof shall thereupon vest in the Board.

(2) Where any land situated in the City vests in the Board under the provisions of sub-section (1) and the Board makes a declaration that such land will be retained by the

Board only until it revests in the Corporation as part of a street or an open space under section 67, no compensation shall be payable by the Board to the Corporation in respect of that land.

(3) Where any land or building vests in the Board under sub-section (1) and no declaration is made under sub-section (2) in respect of the land, the Board shall pay to the Corporation, the municipality, or the local board, as the case may be, as compensation a sum equal to the market value of such land or building as on the date of the publication of the notification under section 53; and where any building situated on land in respect of which a declaration has been made by the Board under sub-section (2) is vested in the Board under sub-section (1), like compensation shall be payable in respect of such building by the Board.

(4) If, in any case where the Board has made a declaration in respect of any land under sub-section (2), the Board retains or disposes of the land contrary to the terms of the declaration, so that the land does not revest in the Corporation, the Board shall pay to the Corporation compensation in respect of such land in accordance with the provisions of sub-section (3).

(5) If any question or dispute arises—

(a) as to whether compensation is payable under sub-section (3) or sub-section (4), or

(b) as to the amount of the compensation paid or proposed to be paid under sub-section (3) or sub-section (4), or

(c) as to whether any building or street, or square or other land, or any part thereof, is required for the purposes of the scheme,

the matter shall be referred to the Government whose decision shall be final.

Transfer of private street or square to Board for purpose of improvement scheme.

58. (1) Whenever any street or square or part thereof which is not vested in the Board or in the Corporation or in any municipality constituted under the Madras District Municipalities Act, 1920, or in any local Board constituted under the Madras Local Boards Act, 1920, is required for executing any improvement scheme, the Board shall cause to be affixed in a conspicuous place in or near such street, square or part, a notice signed by the Chairman, and—

(a) stating the purpose for which the street, square or part is required, and

(b) declaring that the Board will, on or after a date to be specified in the notice, take over charge of such street, square or part from the owner thereof;

and shall simultaneously send a copy of such notice to the owner of such street, square or part.

(2) After considering the objections (if any) received in writing before the date specified under clause (b) of sub-section (1), the Board may take over charge of such street, square or part, and the same shall thereupon vest in the Board.

(3) When the Board alters or closes any street or square or part thereof which has vested in it under sub-section (2), it shall pay reasonable compensation to the previous owner for the loss of his rights therein.

(4) If the alteration or closing of any such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto, or to residents in the neighbourhood, the Board—

(i) shall forthwith provide some other reasonable means of access for the use of persons who were entitled to use such street, square or part as a means of access to any property or place, and

(ii) if the provision of such means of access does not sufficiently compensate any such owner or resident for such damage or inconvenience, shall also pay him reasonable compensation in money.

Provision of drain or water-work to replace another situated on land vested in the Board under section 57 or section 58.

59. (1) Where in any building, or street, square or other land, or part thereof, referred to in section 57 or section 58, there is any municipal or local board drain, water-work, electric main or installation, such drain, water-work, electric main or installation shall not vest in the Board until the Board has provided, if such provision is necessary, another drain, water-work, electric main or installation to the satisfaction of the Corporation or the municipality or local board concerned, as the case may be.

(2) If any question or dispute arises as to whether another drain, water-work, electric main or installation is necessary, or as to the sufficiency of any drain, water-work, electric main or installation provided by the Board under sub-section (1), such question or dispute shall be referred to the Government, whose decision thereon shall be final.

Bar to application of certain provisions of Madras City Municipal Act, 1919, to streets.

60. (1) Section 204, clause (*c*) of sub-section (1) of section 205, and section 206 of the Madras City Municipal Act, 1919, shall not apply to any street which is vested in the Board.

(2) Sections 213, 224 and 225 of the said Act shall not apply when any drain or premises vested in the Corporation is opened or broken up by the Board or when any public street is under construction by the Board.

Repair and watering of streets vested in the Board.

61. Whenever the Board allows any street vested in it to be used for public traffic, it shall—

(*a*) keep the street in good repair, as far as practicable, and do all things necessary for the safety and convenience of persons using it, and

(*b*) cause the street to be watered, if it considers it necessary to do so for the public convenience.

Guarding and lighting when street vested in the Board is opened or broken up, or when street is under construction, and speedy completion of work.

62. Whenever any drain in, or the pavement or surface of, any street vested in the Board is opened or broken up by the Board for the purpose of carrying on any work,

or whenever the Board allows any street which it has under construction to be used for public traffic,

the Board shall cause the place to be fenced and guarded and to be sufficiently lighted during the night, and shall take proper precautions for guarding against accident by shoring up and protecting adjoining buildings,

and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish occasioned thereby or complete the construction of the said street, as the case may be.

Prevention or restriction of traffic in street vested in the Board, during progress of work.

63. (1) When any work referred to in section 62 is being executed by the Board in any public street vested in it, or when any other work which may lawfully be done is being executed by the Board in any street vested in it, the Board may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally, or to traffic of any specified description.

(2) When any such direction has been given, the Board shall, after notifying in local newspapers its intention to do so, set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as it may think proper for preventing or restricting traffic therein.

Provision of facilities, and payment of compensation, when work is executed by Board in public street vested in it.

64. (1) When any work is being executed by the Board in any public street vested in it, the Board shall, so far as may reasonably be practicable, make adequate provision for—

(*a*) the passage or diversion of traffic;

(*b*) securing access to all premises approached from such street; and

(*c*) any drainage, water-supply or means of lighting which is interrupted by reason of the execution of the work.

(2) The Board shall pay reasonable compensation to any person who sustains special damage by reason of the execution of any such work.

Power of Board to turn or close public street or square vested in it.

65. (1) The Board may—

(*a*) turn, divert, discontinue the public use of, or permanently close, any public street vested in it or any part thereof, or

(*b*) discontinue the public use of, or permanently close, any public square vested in it or any part thereof.

(2) Whenever the Board discontinues the public use of, or permanently closes, any public street vested in it, or any part thereof, it shall pay reasonable compensation to every person who was entitled, otherwise than as a mere member of the public, to use such street or part as a means of access and has suffered damage from such discontinuance or closing.

(3) Whenever the Board discontinues the public use of, or permanently closes, any public square vested in it, or any part thereof, it shall pay reasonable compensation to every person—

(*a*) who was entitled, otherwise than as a mere member of the public, to use such square or part as a means of access, or

(*b*) whose immovable property was ventilated by such square or part,

and who has suffered damage—

(*i*) in case (*a*), from such discontinuance or closing, or

(*ii*) in case (*b*), from the use to which the Board has put such square or part.

(4) In determining the compensation payable to any person under sub-section (2) or sub-section (3), the Board shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street or square at or about the same time that the public street or square or part thereof, on account of which the compensation is paid, is discontinued, or closed.

(5) When any public street or square vested in the Board, or any part thereof, is permanently closed under sub-section (1), the Board may sell, or lease so much of the same as is no longer required.

Reference of disputes to Tribunal.

66. (1) If any question or dispute arises—

(*a*) between the Board and the previous owner of any street or square or part thereof which has vested in the Board under section 58 and has been altered or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) of that section, or

(*b*) between the Board and any person who was entitled, otherwise than as a mere member of the public, to use as a means of access any street or square or part thereof which has vested in the Board under section 58—

(*i*) as to whether the alteration or closing of such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or

(*ii*) as to whether the other means of access provided or proposed to be provided under sub-section (4) of the said section 58 are reasonably sufficient, or

(*iii*) as to the sufficiency of any compensation paid or proposed to be paid under the said sub-section (4), or

(*c*) between the Board and any person, as to the sufficiency of any compensation paid or proposed to be paid to him under sections 37, 40, 41, 43, 64, 65 or 158—

the matter shall be determined by the Tribunal if referred to it either by the Board or by the claimant, within a period of three months from—

in case (*a*) or case (*b*)—the date on which the street or square or part thereof was altered or closed by the Board, and

in case (*c*)—the date on which the said person was informed of the decision of the Board fixing the amount of compensation to be paid to him or rejecting his claim to compensation;

and the determination of the Tirbunal shall be final.

(2) If a reference to the Tribunal be not made within the period prescribed by sub-section (1), the decision of the Board shall be final.

(3) For the purpose of determining any matter referred to it under sub-section (1), the Tribunal shall have all the powers with regard to witnesses, documents and costs which it would have if the Land Acquisition Act, 1894, as modified by section 73 of this Act, were applicable to the case.

Vesting in Corporation of streets laid out or altered, and open space provided, by the Board under an improvement scheme.

67. (1) Whenever the Corporation is satisfied—

(*a*) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained in the manner provided in the plans sanctioned by the Government under section 52, and

(*b*) that such lamps, lamp-posts and other apparatus as the Corporation considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided, and

(*c*) that water and other sanitary conveniences ordinarily provided in the City have been duly provided in such street,

the Corporation shall, after informing the Board of its intention to do so, by written notice affixed in some conspicuous position in such street, declare the street to be a public street; and the street shall thereupon vest in the Corporation, and shall thenceforth be maintained, kept in repair, lighted and cleansed by the Corporation.

(2) When any open space for purposes of ventilation or recreation has been provided by the Board in executing any improvement scheme, it shall, on completion, be

transferred to the Corporation by resolution of the Board, and shall thereupon vest in, and be maintained at the expense of the Corporation:

Provided that the Corporation may require the Board before any such open space is so transferred, to enclose, level, turf, drain and lay out such space and provide footpaths therein, and, if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Board and the Corporation in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Government whose decision shall be final.

Application of section 67 to municipalities or local boards.

68. If section 67 be applied, by notification under sub-section (2) of section 1, to any municipality or local board in the neighbourhood of the City, it shall be construed as if the references therein to the Corporation were references to such municipality or local board.

Power of Board to retain service pasages.

69. Notwithstanding anything contained in section 67 or section 68, the Board may retain any service passage which it has laid out for sanitary purposes, and may enter into an agreement with the Corporation or any other person for the supervision, repair, lighting and general management of any passage so retained.

CHAPTER IV.

ACQUISITION AND DISPOSAL OF LAND.

Power to purchase or lease by agreement.

70. The Board may enter into an agreement with any person for the acquisition from him by purchase, lease or exchange, of any land which the Board is authorized to acquire, or any interest in such land.

Power to acquire land under the Land Acquisition Act, 1894.

71. The Board may, with the previous sanction of the Government, acquire land under the provisions of the Land Acquisition Act, 1894, for carrying out any of the purposes of this Act.

Tribunal to be constituted.

72. The Government may, if they think fit, constitute a Tribunal as provided in section 74 for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board under the Land Acquisition Act, 1894.

Modification of the Land Acquisition Act, 1894.

73. For the purpose of acquiring land for the Board under the Land Acquisition Act, 1894—

(*a*) the said Act shall be subject to the modifications specified in the Schedule; and

(*b*) in case a Tribunal is constituted under section 74—

(*i*) the Tribunal shall (except for the purposes of section 54 of that Act) be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge thereof;

(*ii*) the President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents, by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908; and

(*iii*) the award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, 1894, and shall be final.

Constitution of Tribunal.

74. (1) The Tribunal shall consist of three members, namely, a President and two assessors.

(2) The President of the Tribunal shall be either—

(*a*) a member of the Indian Civil Service or of a Provincial Civil Service, of not less than ten years' standing in such service, who has, for at least three years, served as District Judge or held judicial office not inferior to that of a Subordinate Judge; or

(*b*) a barrister, advocate or pleader of not less than ten years' standing who has practised as an advocate or pleader in the High Court of Judicature at Madras.

(3) The President of the Tribunal and one of the assessors shall be appointed by the Government, and the other assessor shall be appointed by the Corporation:

Provided that if the Corporation fails to make an appointment within one month after it is required so to do by the Government, the appointment shall be made by the Government.

(4) No person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or is, for any of the reasons mentioned in section 7, disqualified for appointment as a Trustee.

(5) The term of office of each member of the Tribunal shall be three years; but any member shall, subject to sub-section (4), be eligible for re-appointment at the end of that term.

(6) The Government may, on the ground of incapacity or misbehaviour, or for any other good and sufficient reason, remove any member of the Tribunal from office.

(7) Every vacancy, whether permanent or temporary, in the office of a member of the Tribunal shall be filled in accordance with the provisions of sub-section (3).

(8) All appointments made under this section shall be notified in the *Fort St. George Gazette.*

Remuneration of members of Tribunal.

75. A member of the Tribunal shall be entitled to receive such remuneration by way of salary or fees, or both, as the Government may prescribe.

Officers and servants of Tribunal.

76. (1) The President of the Tribunal shall, from time to time, prepare a statement showing—

(*a*) the number and grades of the clerks and other officers and servants whom he considers should be employed for carrying on the business of the Tribunal,

(*b*) the amount of the salary to be paid to each such officer and servant, and

(*c*) the contributions payable under section 142 in respect of each such officer or servant who is a servant of the Crown.

(2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the Government.

(3) The President of the Tribunal shall, with the previous sanction of the Government, make rules—

(*i*) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Tribunal:

Provided that a servant of the Crown employed as an officer or servant of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be laid down in the conditions of his service under the Crown relating to transfer to foreign service;

(*ii*) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers or servants of the Tribunal (other than any servant of the Crown in respect of whom a contribution is paid under section 142), to subscribe to such fund, at such rates and subject to such conditions as may be prescribed and, with the sanction of the Board, for supplementing such subscriptions out of the funds of the Board;

(*iii*) for determining the conditions under which the officers and servants of the Tribunal, or any of them, shall on retirement receive gratuities or compassionate allowances and the amount of such gratuities and compassionate allowances:

Provided that it shall be at the discretion of the Tribunal to determine whether all such officers and servants or any and, if so, which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid.

(4) Subject to any rules made under sub-section (3) and for the time being in force, the power of making appointments and promotions to posts in the service of the Tribunal, of granting leave to officers and servants holding such posts, of censuring, fining, withholding promotion from, reducing, suspending, removing or dismissing such officers and servants for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct and of discharging such officers and servants from the service of the Tribunal for any other reason, shall be exercised by the President of the Tribunal.

Payments by Board on account of Tribunal.

77. The amount necessary for the payment of remuneration, salaries, leave allowances and acting allowances in accordance with sections 75 and 76 shall be provided by the Board.

Power to make rules for Tribunal.

78. (1) The President of the Tribunal may, from time to time, with the previous sanction of the Government, make rules, not repugnant to the Code of Civil Procedure, 1908, for the conduct of business by the Tribunal.

(2) All such rules shall be published in the *Fort St. George Gazette.*

Award of Tribunal how to be determined.

79. (1) For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act, 1894—

(*a*) if there is any disagreement as to the measurement of land, or the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail;

(*b*) questions relating to the determination of the persons to whom compensation is payable or the apportionment of compensation, may be tried and decided in the absence of the assessors if the President of the Tribunal considers their presence unnecessary; and

when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal; and

(c) notwithstanding anything contained in the foregoing clauses, the decision on all questions of law and procedure shall rest solely with the President of the Tribunal.

(2) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by the Court of Small Causes at Madras as if it were a decree of that Court.

Payment of betterment fee.

80. (1) When by the making of any improvement scheme, any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board, in framing the scheme, may declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme.

(2) Such increase in value shall be the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment fee shall be one-half of such increase in value.

Assessment of betterment fee by Board.

81. (1) When it appears to the Board that an improvement scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall by a resolution passed in this behalf declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed has been served under clause (a) of sub-section (1) of section 49, or to the successor in interest of such person, as the case may be, that the Board proposes to assess the amount of the betterment fee payable in respect of such land under section 80.

(2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall within three months from the date of receipt of notice in writing of such assessment from the Board, inform the Board in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Board or fails to give the Board the information required by sub-section (2) within the period specified therein, the matter shall be determined by an arbitrator appointed by the Government.

Settlement of betterment fee by arbitrator.

82. (1) If the Government are satisfied after such inquiry as they think fit that any arbitrator appointed under sub-section (4) of section 81 has misconducted himself, they may remove him.

(2) If any such arbitrator dies, resigns, becomes disqualified, is removed, or refuses to perform or in the opinion of the Government neglects to perform or becomes incapable of performing his functions, the Government shall forthwith appoint another arbitrator.

(3) When the arbitrator has made his award, he shall sign it and forward it to the Board, and such award shall, subject to the provisions of sub-section (4), be final and conclusive and binding on all persons.

(4) Any party aggrieved by an award may, within three months from the date of the communication thereof, appeal to the Chief Judge of the Court of Small Causes at Madras, whether the case arises within or outside the limits of the City, and the decision of the said Chief Judge shall be final and conclusive and binding on all persons.

Fee for arbitrator.

83. The Board shall pay to the arbitrator a fee to be determined by the Government in respect of the whole of the scheme for which his services are utilized.

Powers and duties of arbitrator.

84. (1) The arbitrator shall give notice of his proceedings and conduct them in the manner prescribed by the Government and communicate his award to the parties concerned:

Provided that every party to such proceedings shall be entitled to appear before the arbitrator either in person or by his authorized agent.

(2) The arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and other material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what

property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Board to give notice to persons liable to payment of betterment fee.

85. When the amount of all betterment fees payable in respect of land in the area comprised in the scheme has been determined under section 81 or section 82, as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of six per cent. per annum upon any amount outstanding shall be payable from that date.

Agreement to make payment of betterment fee a charge on land.

86. (1) Any person liable to pay a betterment fee in respect of any land may, at his option, instead of paying the same to the Board, execute an agreement with the Board to leave the payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of six per cent. per annum, the first annual payment of such interest to be made one year from the date referred to in section 85.

(2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge, whether legal or equitable, created either before or after the commencement of this Act, be the first charge upon the interest of such person in such land.

(3) If any instalment of interest due under an agreement executed in pursuance of sub-section (1) be not paid on the date on which it is due, the betterment fee shall become payable on that date, in addition to the said instalment.

(4) At any time after an agreement has been executed in pursuance of sub-section (1), any person may pay off the charge created thereby, with interest, at six per cent. per annum up to the date of such payment.

(5) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (1), no suit with respect to such agreement shall be brought against the Board by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land.

Recovery of money payable in pursuance of section 81, 82 or 86.

87. All money payable in respect of any land by any person in respect of a betterment fee under section 81 or section 82, or by any person under an agreement executed in pursuance of sub-section (1) of section 86, shall be recoverable by the Board (together with interest due, up to the date of realization at the rate of six per cent. per annum), from the said person or his successor in interest in such land, in the manner provided by the Madras City Municipal Act, 1919, for the recovery of taxes and, if the said money is not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Board to appoint persons for enforcement of processes for recovery of dues.

88. The Board may direct by what authority any powers or duties incident under the Madras City Municipal Act, 1919, to the enforcement of any process for the recovery of taxes shall be exercised and performed when that process is employed under section 87.

Agreement or payment not to bar acquisition under a fresh declaration.

89. If any land in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 81 or has been made after its determination under section 82, or in respect of which an agreement regarding the betterment fee has been executed under section 86, be subsequently required for any of the purposes of this Act, the payment or agreement shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894.

Power to dispose of land.

90. (1) The Board may retain, or may lease, sell, exchange, let on hire, or otherwise dispose of, any land vested in or acquired by it under this Act.

(2) Whenever the Board decides to lease or sell any land acquired by it under this Act from any person, it—

(a) shall give notice by advertisement in the local newspapers, and

(b) shall offer to the said person, or his heirs, executors or administrators, a prior right to take on lease or to purchase such land, at a rate to be fixed by the Board, if the Board considers that such an offer can be made without detriment to the carrying out of the purposes of this Act.

(3) If in any case two or more persons claim to have the prior right referred to in clause (b) of sub-section (2), preference shall be given to the person who agrees to pay the highest sum for the land, not being less than the rate fixed by the Board under that clause.

CHAPTER V.

FINANCE.

Annual contribution by the Government and the Corporation.

91. (1) The Government and the Corporation shall each contribute to the Board on the first day of April every year, so long as the Board continues to exist, a sum of not less than two and a half lakhs of rupees.

If the provisions of this Act other than section 1 are brought into force on any day other than the first day of April, the Government and the Corporation shall each contribute to the Board, in respect of the portion of the financial year ending on the 31st day of March immediately following—

(a) in case such portion is not less than nine months, a sum of not less than two and a half lakhs of rupees; and

(b) in any other case, a sum which shall not be less than the proportionate part of two and a half lakhs of rupees.

(2) The annual payment due from the Corporation under sub-section (1) shall be made in priority to all other payments due from it, except those referred to in section 152 of the Madras City Municipal Act, 1919.

(3) If the annual payment due from the Corporation cannot be made without increasing the maximum rate of property tax authorized by the proviso to sub-section (2) of section 99 of the Madras City Municipal Act, 1919, then, that maximum may be increased to such extent as may be necessary to secure the due making of such payment.

Board to be a local authority within the meaning of the Local Authorities Loans Act, 1914.

92. (1) The Board shall be deemed to be a local authority, as defined in the Local Authorities Loans Act, 1914, for the purpose of borrowing money under that Act, but the provisions of that Act and of the rules made thereunder shall have effect subject to the provisions contained in this Act.

(2) The Board shall also have power to borrow money from the Government on such terms as may be approved by them.

Loans from Banks.

93. Whenever the borrowing of any sum of money has been approved by the Government, the Board may, instead of borrowing such sum or any part thereof from the public, take credit from any bank, on a cash account to be kept in the name of the Board to the extent of such sum or part;

and with the previous sanction of the Government, may grant mortgages of all or any property vested in the Board by way of security for such credit.

Diversion of borrowed money to purposes other than those first approved.

94. Whenever any sum of money has been borrowed by the Board for the purpose of meeting particular expenditure or of repaying a particular loan, no portion thereof shall be applied to any other purpose without the previous sanction of the Government.

Form, signature, exchange, transfer and effect of debentures.

95. (1) Whenever money is borrowed by the Board on debentures, the debentures shall be in such form as the Board, with the previous sanction of the Government, may from time to time determine.

(2) All debentures shall be signed by the Chairman and one other Trustee.

(3) The holder of any debenture in any form prescribed under sub-section (1) may obtain in exchange therefor, upon such terms as the Board may from time to time, determine, a debenture in any other form so prescribed.

(4) Every debenture issued by the Board shall be transferable by endorsement, unless some other mode of transfer is specified therein.

Signature of coupons attached to debentures.

96. All coupons attached to debentures issued under this Act shall bear the signature of the Chairman; and such signature may be engraved, lithographed or impressed by any mechanical process.

Payments to survivors of joint payees.

97. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

Receipt by joint holder for interest or dividend.

98. Where two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of such persons.

Priority of payments for interest and repayment of loans.

99. All payments due from the Board for interest on, or the repayment of, loans, shall be made in priority to all other payments due from the Board.

Repayment of loans taken under section 95.

100. Every loan taken by the Board shall be repaid within the period approved by the Government and, subject to the provisions of sub-section (2) of section 124, by such of the following methods as may be so approved, namely:—

(a) from a sinking fund established under section 101 in respect of the loan, or

(b) by paying equal yearly or half-yearly instalments of principal, or of principal and interest, throughout the said period, or

(c) if the Board has, before borrowing money on debentures, reserved by public notice a power to pay off the loan by periodical instalments and to select by lot the particular debentures to be discharged at particular periods then, by paying such instalments at such periods, or

(d) from money borrowed for the purpose, or

(e) partly from the sinking fund established under section 101 in respect of the loan, and partly from money borrowed for the purpose.

Establishment and maintenance of sinking funds.

101. (1) Whenever the Government have approved the repayment of a loan from a sinking fund, the Board shall establish such a fund, and shall pay into it every year, until the loan is repaid, a sum so calculated that, if regularly paid throughout the period approved by the Government, it would, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the end of that period.

(2) The rate of interest on the basis of which the sum referred to in sub-section (1) shall be calculated shall be such as may be prescribed by the Government.

Power to discontinue payments into sinking fund.

102. Notwithstanding anything contained in section 101, if at any time the sum standing at credit of the sinking fund established for the repayment of any loan, is of such amount that, if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that section, it will be sufficient to repay the loan at the end of the period approved by the Government, then, with the permission of the Government, further annual payments into such funds may be discontinued.

Investment of sinking funds.

103. (1) All money paid into any sinking fund shall as soon as possible be invested, under the orders of the Board, in—

(a) Government securities, or

(b) securities guaranteed by the Central or any Provincial Government, or

(c) debentures issued by the Corporation, or

(d) debentures issued by the Trustees of the Port of Madras, or

(e) debentures issued by the Board,

in the joint names of the Secretary to the Government of Madras in the Finance Department and the Accountant-General of Madras, to be held by them as trustees for the purpose of repaying from time to time the debentures issued by the Board.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1).

(3) Any investment made under this section may from time to time, subject to the provisions of sub-section (1), be varied or transposed.

Application of sinking funds.

104. The two trustees referred to in sub-section (1) of section 103 in whose names any sinking fund is invested may from time to time apply the same, or any part thereof, in or towards the discharge of the loan or any part of the loan for which such fund was established; and until such loan is wholly discharged, shall not apply the same for any other purpose.

Annual statements by trustees.

105. (1) The two trustees aforesaid shall at the end of every financial year, transmit to the Chairman a statement showing—

(a) the amount which has been invested during the year under section 103,

(b) the date of the last investment made previous to the transmission of the statement,

(c) the aggregate amount of the securities held by them,

(d) the aggregate amount which has, up to the date of the statement, been applied under section 104 in or towards repaying loans, and

(e) the aggregate amount already paid into each sinking fund.

(2) Every such statement shall be laid before the Board and published in the *Fort St. George Gazette*.

Annual examination of sinking funds.

106. (1) The Accountant-General, Madras, shall examine the said sinking funds every year and ascertain whether the cash and the current value of the securities at credit of such funds are actually equal to the amount which would have accumulated, had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The Board shall forthwith pay into any sinking fund any amount which the Accountant-General may certify to be the deficiency therein after examination as aforesaid, unless the Government specially sanction a gradual readjustment.

Estimates of income and expenditure to be laid annually before the Board.

107. (1) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and expenditure of the Board for the next ensuing financial year.

(2) Every such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act.

(3) Every such estimate shall differentiate capital and revenue funds, and shall be prepared in such form, and shall contain such details, as the Government or the Board may from time to time direct.

(4) Every such estimate shall be completed and printed and a copy thereof sent, by post or otherwise, to each Trustee at least ten clear days before the date of the meeting at which the estimate is to be laid before the Board.

Sanction of Board to estimates.

108. The Board shall consider every estimate so laid before it and shall sanction the same, either without alteration or with such alteration as it may think fit.

Approval of Government to estimate.

109. (1) Every such estimate, as sanctioned by the Board shall be submitted to the Government who may, at any time within two months after receipt of the same—

(a) approve the estimate, or

(b) disallow the estimate or any portion thereof, and return the estimate to the Board for amendment.

(2) If any estimate is so returned to the Board, it shall forthwith proceed to amend it and shall resubmit the estimate as amended to the Government who may then approve it.

Transmission of copy of estimate to the Commissioner.

110. A copy of every such estimate shall, when approved by the Government, be sent by the Board to the Commissioner of the Corporation of Madras.

Special provisions as to the first estimate after the constitution of the Board.

111. (1) A special meeting of the Board shall be held as soon as may be expedient after the day appointed under sub-section (1) of section 15 and the Chairman shall at such special meeting lay before the Board an estimate of the income and expenditure of the Board for portion of the financial year which on the said day had not expired.

(2) The provisions of sub-sections (2) to (4) of section 107 and of sections 108 to 110 shall apply to the said estimate.

Supplementary estimates.

112. (1) The Board may, at any time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before it at a special meeting.

(2) The provisions of sub-sections (3) and (4) of section 107 and of sections 108 to 110 shall apply to every supplementary estimate.

Adherence to estimate, and maintenance of closing balance.

113. (1) No sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by a current budget-grant or can be met by reappropriation or by drawing on the closing balance.

(2) The closing balance shall not be reduced below such limit as may be fixed in this behalf by the Government from time to time.

(3) The following items shall be exempted from the provisions of sub-sections (1) and (2), namely:—

(a) repayments of moneys belonging to contractors or other persons and held in deposit, and of moneys collected by, or credited to, the Board by mistake;

(b) payments due under a decree or order of a court or under an award of the Tribunal;

(c) sums payable under a compromise of any suit or other legal proceeding or claim effected under this Act;

(d) sums payable under this Act by way of compensation; and

(e) payments required to meet any pressing emergency.

(4) Whenever any sum exceeding five thousand rupees is expended under clause (e) of sub-section (3), the Chairman shall forthwith report the circumstances to the Government explaining how the Board proposes to cover the expenditure.

Receipt of moneys, and deposit in Bank.

114. All moneys payable to the Board shall be received by the Chairman, and shall forthwith be paid into such bank as may be approved by the Government in this behalf to the credit of an account which shall be styled "The Account of the Trustees for the Improvement of the City of Madras."

Investment of surplus money.

115. (1) Surplus moneys at the credit of the said account may from time to time be—

(a) deposited at interest in the Bank aforesaid; or

(b) invested in such securities or debentures as may be approved by the Government.

(2) All such deposits and investments shall be made by the Chairman on behalf of, and with the sanction of, the Board; and, with the like sanction, the Chairman may at any time withdraw any deposits so made, or dispose of any securities, and re-deposit or re-invest the money so withdrawn or the proceeds of the disposal of such securities.

Payments by cheques.

116. (1) No payment shall be made by the Bank out of the account referred to in section 114, except upon a cheque.

(2) Payment of any sum due by the Board exceeding one hundred rupees in amount shall be made by means of a cheque and not in any other way.

Signature of orders under section 115 and cheques.

117. All orders for making any deposit, investment, withdrawal or disposal under section 115, and all cheques referred to in section 116, must be signed—

(a) by the Chairman and the Secretary to the Board, or

(b) in the event of the illness or absence from the City of the Chairman or the Secretary, then by the Secretary or the Chairman, as the case may be, and by a Trustee other than the Chairman.

Duty of Chairman and others before signing cheque.

118. Before the Chairman or any other Trustee or the Secretary to the Board signs a cheque under section 117, he must satisfy himself that the sum for which such cheque is drawn is required for a purpose or work specifically sanctioned by the Board or is an item of payment specified in sub-section (3) of section 113.

Definition of "cost of management."

119. (1) The expression "cost of management" as used in the following sections in this Chapter, means—

(a) the salary and house-rent and conveyance allowance (if any) of the Chairman or acting Chairman, and any other allowances and any contributions payable to or in respect of the Chairman or acting Chairman;

(b) the salaries, fees and allowances of, and the contributions paid under section 142 in respect of, officers and servants of the Board referred to in section 28;

(c) the remuneration of other employees of the Board except employees who are paid by the day or whose pay is charged to temporary work;

(d) all payments made under sections 77 and 142 on account of the Tribunal; and

(e) all office expenses incurred by the Board or the Tribunal.

(2) The expression "office expenses" in clause (e) of sub-section (1) means expenses incurred for carrying on office work, and includes the rent of offices, the provision of furniture therefor, and charges for printing and stationery.

Keeping of capital account and revenue account.

120. (1) The Board shall keep a capital account and a revenue account.

(2) The capital account shall show separately all expenditure incurred by the Board on each improvement scheme.

Credits to capital account

121. There shall be credited to the capital account—

(a) all sums (except interest) received by way of betterment fees under this Act;

(b) all moneys received on account of loans taken by the Board in pursuance of this Act;

(c) the proceeds of the sale of any land vested in the Board which was purchased out of any such loan;

(d) where land was purchased out of an advance from the revenue account, the portion of the proceeds of the sale of such land which remains after crediting to the revenue account the amount of such advance;

(e) the proceeds of the sale of any movable property (including securities for money invested from the capital account) belonging to the Board;

(f) all lump sums received from any Government in aid of the Capital account;

(g) all premia received by the Board in connection with leases for any term exceeding forty years;

(h) all sums (if any) which the Government direct under sub-section (2) of section 124 to be credited to the capital account; and

(i) all moneys resulting from the sale of securities by direction of the Government under section 125.

Application of capital account.

122. The moneys credited to the capital account shall be held by the Board in trust, and shall be applied to—

(a) meeting all costs of framing and executing improvement schemes;

(b) meeting the cost of acquiring land for carrying out any of the purposes of this Act;

(c) meeting the cost of constructing buildings required for carrying out any of the purposes of this Act;

(d) the repayment of loans from money borrowed in pursuance of this Act;

(e) making payments in pursuance of section 147, otherwise than for interest or for expenses of maintenance or working;

(f) making, or contributing towards the cost of surveys in pursuance of section 164;

(g) meeting such proportion of the cost of management as may be prescribed by the Board;

(h) temporarily making good the deficit (if any) in the revenue account at the end of any financial year.

Credits to revenue account.

123. There shall be credited to the revenue account—

(a) all interest received in pursuance of section 86 or section 87;

(b) all sums contributed by the Government and by the Corporation under section 91;

(c) all other annually recurring sums received from the Government in aid of the funds of the Board;

(d) all damages received by the Board under section 159;

(e) all premia received by the Board in connection with leases for any term not exceeding forty years;

(f) all rents of land vested in the Board; and

(g) all other receipts by the Board which are not required by section 121 to be credited to the capital account.

Application of revenue account.

124. (1) The moneys credited to the revenue account shall be held by the Board in trust, and shall be applied to—

(a) meeting all charges for interest and sinking fund due on account of any loan taken in pursuance of this Act, and all other charges incurred in connection with such loans;

(b) paying all sums due from the Board in respect of rates and taxes imposed under the Madras City Municipal Act, 1919, upon land vested in the Board;

(c) paying the cost (if any) of maintaining a separate establishment for the collection of the rents and other proceeds of land vested in the Board;

(d) paying the fees determined for arbitrators under section 83;

(e) paying all sums which the Government may direct to be paid to any auditor under section 131;

(f) making payments in pursuance of section 147 for interest or for expenses of maintenance or working;

(g) paying the cost of management, excluding such proportion thereof as may be debited to the capital account under clause (g) of section 122;

(h) paying all other sums due from the Board, other than those which are required by section 122 to be disbursed from the capital account.

(2) The surplus (if any) remaining after making the payments referred to in sub-section (1) shall, subject to the maintenance of a closing balance as required by sub-section (2) of section 113, be invested in the manner prescribed in section 103 towards the service of any loans outstanding after the expiry of sixty years from the commencement of this Act, unless the Government otherwise direct.

Power to direct sale of securities in which any surplus of the revenue account is invested.

125. If, at any time after any surplus referred to in sub-section (2) of section 124 has been invested, the Government are satisfied that the investment is not needed for the service of any loan referred to in that sub-section, they may direct the sale of the securities held under the investment.

Advances from revenue account to capital account.

126. (1) Notwithstanding anything contained in section 124, the Board may advance any sum standing at the credit of the revenue account for the purpose of meeting capital expenditure.

(2) Every such advance shall be refunded to the revenue account as soon as may be practicable.

Advances from capital account to revenue account.

127. (1) Any deficit in the revenue account at the end of any financial year may be made good by an advance from the capital account.

(2) Every such advance shall be refunded to the capital account in the following financial year.

Submission of abstracts of accounts to Government.

128. At the end of each half of every financial year, the Board shall submit to the Government an abstract of the accounts of its receipts and expenditure for such half-year.

Annual audit of accounts.

129. The accounts of the Board shall be examined and audited once in every financial year by such auditor as the Government may appoint in this behalf.

Powers of auditors.

130. The said auditor may—

(a) by summons in writing require production of any document, the perusal or examination of which he believes necessary for the elucidation of the accounts;

(b) by summons in writing require any person who has the custody or control of any such document or who is accountable therefor to appear in person before him;

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

Remuneration of auditor.

131. The Board shall pay to the said auditor such remuneration as the Government may direct.

Reports and information to be furnished by auditor to the Board.

132. The said auditor shall—

(a) report to the Board and to the Government any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of the moneys due to the Board, or in the accounts;

(b) furnish to the Board such information as it may from time to time require concerning the progress of his audit;

(c) report to the Chairman any loss or waste of money or other property owned by or vested in the Board caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste; and

(d) submit to the Chairman a final statement of the audit and a duplicate copy thereof to the Government within a period of three months from the end of the financial year, or within such other period as the Government may allow in that behalf.

Auditor's report to be sent to each Trustee and considered by Board.

133. The Chairman shall cause the report mentioned in clause (d) of section 132 to be printed and shall forward a printed copy thereof to each Trustee and shall bring such report before the Board for consideration at its next meeting.

Board to remedy defects pointed out by auditor.

134. It shall be the duty of the Board forthwith to remedy any defects or irregularities that may be pointed out by the auditor.

Publication and transmission of an abstract of the accounts.

135. As soon as practicable after the receipt of the said report, the Board shall prepare an abstract of the accounts to which it relates, and shall publish such abstract in the *Fort St. George Gazette* and send a copy of the abstract to the Commissioner and to the Government.

CHAPTER VI.

RULES.

Power of the Government to make rules.

136. The Government may make rules consistent with this Act—

(a) with regard to all matters expressly required or allowed by this Act to be prescribed by the Government;

(b) for regulating elections to the Board in respect of all matters relating to such elections which are not expressly provided for in this Act;

(c) for regulating the proceedings of the arbitrator referred to in section 82;

(d) for prescribing the fees payable for copies of, or extracts from, the assessment books of the Corporation or of any other local authority, furnished to the Chairman;

(e) as to the conditions on which officers and servants of the Board or of the Tribunal may be appointed, reduced, suspended, discharged, removed or dismissed;

(f) as to the intermediate office or offices (if any) through which correspondence between the Board and the Government or their officers shall pass;

(g) as to the accounts to be kept by the Board, as to the powers of auditors in respect of disallowance and surcharge, and as to the recovery of sums disallowed or surcharged;

(h) as to the returns, statements, reports and accounts to be submitted by the Board;

(i) prescribing and defining the mutual relations to be observed between the Board and other local authorities in any matter in which they are jointly interested;

(j) generally for the guidance of the Board and public officers in all matters connected with the carrying out of the provisions of this Act.

Power of the Board to make rules.

137. The Board may, from time to time with the previous sanction of the Government, make rules consistent with this Act and with any rules made thereunder by the Government—

(a) in regard to all matters expressly required or allowed by this Act to be prescribed by the Board;

(b) for associating members with the Board under section 17;

(c) for appointing persons other than Trustees and persons associated with the Board under section 17 to be members of Committees under section 18;

(d) for regulating the delegation of powers or duties of the Board to Committees or to the Chairman;

(e) for the guidance of persons employed by it under this Act;

(f) for prescribing the fees payable for copies of documents delivered by any of its officers and servants under this Act;

(g) for the management, use and regulation of dwellings constructed under any improvement scheme;

(h) generally for carrying out the purposes of this Act.

Rules to be subject to previous publication and to be published in Gazette.

138. The power to make rules conferred by sections 136 and 137 is subject to the condition of previous publication and no such rules shall take effect until they have been published in the *Fort St. George Gazette*.

Printing and sale of copies of rules.

139. (1) The Chairman shall from time to time cause all rules made under section 136 or section 137 to be printed and shall make such printed copies available for sale to the public.

(2) The Chairman shall cause a notice to be published in local newspapers specifying the place where and the person from whom and the price at which a copy of the rules may be obtained.

Power of Government to cancel rules made under section 137.

140. The Government may, after previous publication of their intention, rescind any rule made by the Board under section 137 and thereupon such rule shall cease to have effect.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Trustees, etc., deemed to be public servants.

141. Every Trustee, every officer and servant of the Board, and every member, officer and servant of the Tribunal, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Contributions by Board towards leave allowances and pensions of servants of the Crown employed under this Act.

142. The Board shall be liable to pay such contributions for the leave allowances and pensions of any servant of the Crown employed as Chairman or as an officer or servant of the Board, or as a member, officer or servant of the Tribunal, as may be required by the conditions of his service under the Crown, to be paid by him or on his behalf.

Power to extend the Madras City Municipal Act, 1919, to areas near the City to which provisions of the present Act have been extended.

143. (1) When any provision of this Act has been applied to any area under sub-section (2) of section 1, the Government may, by notification published in the *Fort St. George Gazette*, extend to such area the Madras City Municipal Act, 1919, or any portion thereof, subject to such in such notification.
restrictions and modifications (if any) as may be specified

(2) When the Madras City Municipal Act, 1919, or any portion thereof, is extended under sub-section (1) to any area, then—

(*a*) the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, or the corresponding portion of such Act, as the case may be, if in force in such area, shall be deemed to be repealed therein, and

(*b*) except as the Government may by notification otherwise direct, all rules, by-laws, regulations, orders, directions and powers made, issued or conferred under the portions of the Madras City Municipal Act, 1919, which have been so extended and in force at the date of such extension, shall apply to the said area, in supersession of all corresponding rules, by-laws, regulations, orders, directions and powers (if any) made, issued or conferred under the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be.

Publication of notifications under sections 1 (2) and 143 (1) in draft for criticism.

144. (1) Before publishing a notification under sub-section (2) of section 1, or sub-section (1) of section 143, in respect of any area, the Government shall publish a draft of the same in the *Fort St. George Gazette*.

(2) Any rate-payer or inhabitant of such area may, if he objects to the draft, submit his objection in writing to the Government within six weeks from its publication, and the Government shall take such objection into consideration.

Board and Chairman to exercise powers and functions under the Madras Town-Planning Act, 1920.

145. In any area to which this Act applies, the Government may by notification declare that from such date as may be specified therein, the Corporation or a standing committee thereof or the Commissioner of the Corporation shall not exercise or discharge any powers or functions under the Madras Town-Planning Act, 1920, and that subject to such restrictions and modifications, if any, as may be specified in the notification—

(*i*) the powers and functions of the Corporation or a standing committee thereof under the said Act shall be exercised and discharged by the Board; and

(*ii*) the powers and functions of the Commissioner of the Corporation under the said Act shall be exercised and discharged by the Chairman.

Board and Chairman to exercise powers and functions under the Madras City Municipal Act, 1919.

146. (1) In any area in respect of which an improvement scheme is in force, the Government may by notification declare that for the period during which such scheme remains in force and subject to such restrictions and modifications, if any, as may be specified in the notification—

(*i*) the powers and functions of the Corporation or a standing committee thereof under the Madras City Municipal Act, 1919, shall be exercised and discharged by the Board; and

(*ii*) the powers and functions of the Commissioner of the Corporation under the said Act shall be exercised and discharged by the Chairman.

(2) The Board or the Chairman may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Board.

(3) The exercise or discharge of any of the powers or functions delegated under sub-section (2) shall be subject to such limitations, conditions and control as may be laid down by the Board or the Chairman, as the case may be.

Powers of the Board for facilitating movement of the population.

147. With a view to facilitating the movement of the population in and around the City of Madras, the Board may from time to time—

(1) subject to any condition it may think fit to impose—

(a) guarantee the payment, from the funds at its disposal, of such sums as it may think fit, by way of interest on capital expended on the construction, maintenance or working of means of locomotion; or

(b) make such payments as it may think fit from the said funds, by way of subsidy to persons undertaking to provide, maintain and work means of locomotion; or

(2) either singly or in combination with any other person, construct, maintain and work any means of locomotion, under the provisions of any law applicable thereto; or

(3) construct or widen, strengthen or otherwise improve, bridges:

Provided that no guarantee or subsidy shall be made under clause (1), and no means of locomotion shall be constructed, maintained or worked under clause (2), without the sanction of the Government.

Saving of Telegraph, Railways and Electricity Acts.

148. Nothing in this Act shall be deemed to affect the provisions of the Indian Telegraph Act, 1885, or the Indian Railways Act, 1890, or the Indian Electricity Act, 1910.

Cognizance of offences.

149. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences against this Act or any rule made thereunder shall, wherever committed, be cognizable by a Presidency Magistrate.

Limitation of time for prosecution.

150. No person shall be tried for any offence against this Act or any rule made thereunder unless complaint of such offence is made before a Presidency Magistrate within three months next after the commission thereof.

Powers of Chairman as to institution, composition, etc., of legal proceedings and obtaining legal advice.

151. The Chairman may, subject to the control of the Board—

(a) institute, defend or withdraw from, legal proceedings under this Act or any rule made thereunder;

(b) compound any offence against this Act or any rule made thereunder which, under any law for the time being in force or the rules prescribed by the Government, may lawfully be compounded;

(c) admit, compromise or withdraw any claim made under this Act or any rule made thereunder; and

(d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the Board to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or servant of the Board.

Indemnity to Board, etc.

152. No suit shall be maintainable against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of anything lawfully and in good faith done under this Act or any rule made thereunder.

Notice of suit against Board, etc.

153. No suit shall be instituted against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of any act purporting to be done under this Act or any rule made thereunder until the expiration of one month next after written notice has been delivered or left at the Board's office or the place of abode of such officer, servant or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims, and the plaint must contain a statement that such notice has been so delivered or left.

Co-operation of Police.

154. (1) The Commissioner of Police and his subordinates shall be bound to co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act.

(2) It shall be the duty of every police-officer who is subordinate to the Commissioner of Police—

(i) to communicate without delay to the proper officer or servant of the Board any information which he receives of a design to commit or of the commission of any offence against this Act or any rule made thereunder, and

(ii) to assist the Chairman or any officer or servant of the Board reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such officer or servant under this Act or any rule made thereunder.

Arrest of offenders.

155. (1) Every police-officer shall arrest any person who commits, in his view, any offence against this Act or any rule made thereunder, if the name and address of such person be unknown to him, and if such person, on demand declines to give his name and address, or gives a name or address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained, or for any longer time than is necessary for bringing him before a Magistrate. In no case shall such detention exceed twenty-four hours from the time of arrest without the orders of a Magistrate.

(3) On the written application of the Chairman, any police-officer above the rank of constable shall arrest any person who obstructs any officer or servant of the Board in the exercise of any of the powers conferred by this Act or any rule made thereunder.

Proof of consent, etc., of Board or Chairman or officer or servant of Board.

156. Whenever, under this Act or any rule made thereunder, the doing or the omission to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(a) the Board or the Chairman, or

(b) any officer or servant of the Board,

a written document, signed in case (a) by the Chairman, and in case (b) by the said officer or servant, conveying or setting forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction.

Validation of acts and proceedings.

157. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

(a) the existence of any vacancy in, or any defect in the constitution of, the Board or any Committee; or

(b) any person having ceased to be a Trustee; or

(c) any Trustee, or any person associated with the Board under section 17, or any other member of a Committee appointed under this Act, having voted or taken any other part in any proceeding in contravention of section 21; or

(d) the failure to serve a notice under section 49 on any person, where no substantial injustice has resulted from such failure; or

(e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board, the minutes of the proceedings of which have been duly signed as prescribed in clause (h) of section 16, shall be deemed to have been duly convened and to be free from all defect and irregularity.

General power of Board to pay compensation.

158. In any case not otherwise expressly provided for in this Act, the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested by or under this Act in the Board or the Chairman or any officer or servant of the Board.

Compensation to be paid by offenders for damage caused by them.

159. (1) If, on account of any act or omission, any person has been convicted of any offence against this Act or any rule made thereunder and, by reason of the same Act or omission of the said person, damage has occurred to any property of the Board, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence.

(3) If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said Magistrate, as if it were a fine imposed by him on the person liable therefor.

Public notices how to be made known.

160. Every public notice given under this Act or any rule made thereunder shall be in writing over the signature of the Chairman, and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspapers, or by any two or more of these means, and by any other means that the Chairman may think fit.

Newspapers in which advertisements or notices to be published.

161. Whenever it is provided by this Act or any rule made thereunder that notice shall be given by advertisement in local newspapers, or that a notification or any information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers and two newspapers published in any language or languages of the Province.

Stamping signature on notices or bills.

162. Every notice or bill, which is required by this Act or by any rule made thereunder to bear the signature of the Chairman or of any other Trustee or of any officer or servant of the Board, shall be deemed to be properly signed if it bears a *facsimile* of the signature of the Chairman or of such other Trustee or of such officer or servant, as the case may be, stamped thereupon.

Service how to be effected.

163. When any notice, bill or other document is required by this Act or any rule made thereunder to be served upon or issued or presented to any person, such service, issue or presentation shall be effected—

(*a*) by giving or tendering such document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of abode in the City of Madras, or by giving or tendering the same to some adult male member or servant of his family; or

(*c*) if such person does not reside in the City of Madras, and his address elsewhere is known to the Chairman, by forwarding such document to him by registered post under cover bearing the said address; or

(*d*) if none of the means aforesaid be available, by causing a copy of such document to be affixed on some conspicuous part of the building or land (if any) to which the document relates.

Power to make surveys, or contribute towards their cost.

164. The Board may—

(*a*) cause a survey of any land to be made, whenever it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act, or

(*b*) contribute towards the cost of any such survey made by any other local authority.

Power of entry.

165. (1) The Chairman or any person either generally or specially authorized by the Chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order—

(*a*) to make any inspection, survey, measurement, valuation or inquiry,

(*b*) to take levels,

(*c*) to dig or bore into the sub-soil,

(*d*) to set out boundaries and intended lines of work,

(*e*) to mark such levels, boundaries and lines by placing marks, and cutting trenches, or

(*f*) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Act or any rule made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder:

Provided as follows:—

(*a*) no such entry shall be made between sunset and sunrise;

(*b*) no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry;

(*c*) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove themselves to some part of the premises where their privacy will not be disturbed;

(*d*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) Whenever the Chairman or a person authorized under sub-section (1) enters into or upon any land in pursuance of that sub-section, he shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose decision shall be final.

Punishment for acquiring share or interest in contract, etc., with the Board.

166. If any Trustee, or any officer or servant of the Board, knowingly acquires directly or indirectly, by himself or by any partner, employer or employee, otherwise than as such Trustee, officer or servant, any share or interest in any contract or employment with, by, or on behalf of, the Board [not being a share or interest which, under sub-section (2) of section 7, it is permissible for a Trustee to have without being thereby disqualified for being appointed a Trustee], he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Penalty for removing fence, etc., in street.

167. If any person, without lawful authority—

(a) removes any fence or shoring timber, or removes or extinguishes any light, set up under section 62, or

(b) infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 63—

he shall be punishable with fine which may extend of fifty rupees.

Penalty for building within street alignment or building line.

168. (1) If any person, without the permission of the Board, erects, re-erects, adds to or alters any wall or building so as to make the same project into the street alignment or beyond the building line prescribed by any deferred street scheme, development scheme or town expansion scheme, he shall be punishable—

(a) with fine which may extend in the case of a wall or masonry building to five hundred rupees and in the case of a hut to fifty rupees; and

(b) with further fine which may extend, in the case of a wall or masonry building, to one hundred rupees and in the case of a hut to ten rupees, for each day after the first during which the projection continues.

(2) (a) The owner for the time being of the wall or building so erected, re-erected, added to or altered, may be required by a written notice issued by the Chairman to stop further work on such wall or building and to alter or demolish the same in such manner and within such time as may be specified in the notice.

(b) Where the alteration or demolition directed by any such notice is not carried out as directed therein, the Chairman may cause the wall or building or portion thereof to be altered or demolished, as the case may be, and he may recover the expenses incurred in so doing from the owner for the time being in such manner as may be prescribed by the Government.

Penalty for failure to comply with requisition made by auditor.

169. If any person fails to comply with any requisition made under section 130, he shall be punishable—

(a) with fine which may extend to one hundred rupees; or

(b) in case of a continuing failure, with fine which may extend to fifty rupees for each day after the first during which the failure continues.

Penalty for obstructing contractor or removing mark.

170. If any person—

(a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Board, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Act or any rule made thereunder, or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act or any rule made or scheme sanctioned thereunder,—

he shall be punishable with fine which may extend to two hundred rupees.

Penalty for breach of the provisions of the Act, etc.

171. Whoever contravenes any provision of this Act or of any rule made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable—

(a) with fine which may extend to one hundred rupees; and

(b) in case of a continuing contravention, with fine which may extend to fifty rupees for each day after the first during which the contravention continues.

Dissolution of Board and transfer of its assets and liabilities to the Government and the Corporation.

172. (1) When all schemes sanctioned under this Act have been executed, or have been so far executed as to render the continued existence of the Board in the opinion of the Government unnecessary, the Government may, by notification, declare that the Board shall be dissolved on such date as may be specified in such notification; and the Board shall be deemed to be dissolved accordingly.

(2) On and from the said date—

(a) (i) all properties, funds and dues placed at the disposal of the Board by the Government, and

(ii) all properties, funds and dues exchanged for, derived from, or otherwise attributable to, the properties, funds and dues referred to in sub-clause (i),

which, immediately before the said date, were held by or realizable by the Board, shall vest in, and be realizable by the Government;

(b) all properties, funds and dues, other than those referred to in clause (a), which, immediately before the said date, were vested in or were realizable by the Board and the Chairman respectively shall vest in and be realizable by the Corporation and the Commissioner respectively;

(c) if any question arises as to whether any properties, funds or dues vest in the Government under clause (a) or in the Corporation under clause (b), the question shall be referred to the Government whose decision thereon shall be final;

(d) all liabilities which, immediately before the said date, were enforceable against the Board shall be enforceable against the Government or the Corporation. The Government shall determine which of such liabilities shall be enforceable against them and which against the Corporation;

(e) for the purpose of completing the execution of any scheme, sanctioned under this Act, which has not been fully executed by the Board, and of realizing properties, funds and dues referred to in clauses (a) and (b), the functions of the Board and the Chairman under this Act shall be discharged by the Government or by the Corporation or the Commissioner thereof, as the case may be; and

(f) the Corporation shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised thereunder have been repaid, and until all other liabilities referred to in clause (d) have been duly met.

THE SCHEDULE.

[Referred to in section 73 (a).]

Further modifications in the Land Acquisition Act, 1894.

1. After clause (e) of section 3 of the Land Acquisition Act, 1894 (hereinafter in this Schedule referred to as "the said Act"), the following clause shall be deemed to be inserted, namely:—

"(ee) the expression 'local authority' includes the Board of Trustees for the Improvement of the City of Madras, constituted under section 3 of the Madras City Improvement Trust Act, 1945."

2. (1) The first publication of a notice of an improvement scheme under section 47 of the Madras City Improvement Trust Act, 1945, shall be substituted for and have the same effect as publication in the official gazette and in the locality of a notification under sub-section (1) of secion 4 of the said Act, except where a notification under sub-section (1) of section 4 or a declaration under section 6 of the said Act has been previously made and is in force.

(2) Proceedings under section 49 and sub-section (1) of section 51 of the Madras City Improvement Trust Act, 1945, shall be substituted for and have the same effect as proceedings under section 5-A of the said Act.

(3) Subject to the provisions of paragraphs 6 and 7 of this Schedule, the issue of a notice under clause (c) of sub-section (3) of section 40 of the Madras City Improvement Trust Act, 1945, in the case of land proposed to be acquired in pursuance of that clause, and in any other case the publication of a notification under section 53 of that Act shall be substituted for and have the same effect as a declaration under section 6 of the said Act, except where a declaration under the last-mentioned section has been previously made and is in force.

3. In section 15 of the said Act, for the word and figures "and 24", the figures, word and letter "24 and 24-A" shall be deemed to be substituted.

4. In sub-section (3) of section 17 of the said Act, after the word and figures "section 24", the words, figures and letter "or section 24-A" shall be deemed to be inserted.

5. After section 17 of the said Act, the following section shall be deemed to be inserted, namely:—

"17-A. In every case referred to in section 16 or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Board; and the land shall thereupon vest in the Board, subject to the liability of the Board to pay any further costs which may be incurred on account of its acquisition."

Transfer of land to Board.

6. (1) In sub-section (1) of section 23 of the said Act, for clauses *first* and *sixthly*, the following clauses shall respectively be deemed to be substituted, namely:—

"*first*, the market value of the land—

(*a*) at the date of the issue of the notice under clause (*b*) of sub-section (3) of section 40 of the Madras City Improvement Trust Act, 1945, in case the land is proposed to be acquired in pursuance of that clause; and

(*b*) at the date of the first publication of the notice under section 47 of that Act, in any other case."

"*sixthly*, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the date referred to in paragraph (*a*) or paragraph (*b*), as the case may be, of clause *first*, and the date on which the Collector takes possession of the land."

(2) In the same section, to sub-section (2), the following proviso shall be deemed to be added, namely:—

"Provided that this sub-section shall not apply where the land acquired is situated in an area which is declared by the Provincial Government to be a congested or slum area and the land is not in the actual possession of the owner."

(3) In the same section, after sub-section (2), the following sub-section shall be deemed to be added, namely:—

"(3) For the purposes of clause *first* of sub-section (1) of this section—

(*a*) if the market value of the land has been increased or decreased owing to the land falling within or near to the alignment of a projected public street, so much of the increase or decrease as may be due to such cause shall be disregarded;

(*b*) if any person, otherwise than in accordance with the provisions of this Act, erects, re-erects, adds to, or alters any wall or building so as to make the same project into the street alignment or beyond the building line prescribed by any scheme made under this Act, then, any increase in the market value resulting from such erection, re-erection, addition or alteration shall be disregarded;

(*c*) if the market value is specially high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded, and the market value shall be deemed to be the market value of the land if put to ordinary use;

(*d*) if the market value of any building is specially high in consequence of the building being so overcrowded as to be dangerous to the health of the inmates, such overcrowding shall be disregarded, and the market value shall be deemed to be the market value of the building if occupied by such number of persons only as could be accommodated in it without risk of danger from overcrowding:

Provided that clauses (*c*) and (*d*) shall not apply in the case of a building which is in the actual occupation of the owner."

7. For clause *seventhly* of section 24 of the said Act, the following clause shall be deemed to be substituted, namely:—

"*seventhly*, any outlay on additions or improvements to land acquired, which was incurred after the date with reference to which the market value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair."

8. After section 24 of the said Act, the following section shall be deemed to be inserted, namely:—

Further provisions for determining compensation.

"24-A. In determining the amount to be awarded for any land acquired for the Board under this Act, regard shall also be had to the following provisions, namely:—

(1) When any interest in any land acquired under this Act has been acquired after the date with reference to which the market value is to be determined, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land.

(2) If, in the opinion of the Court, any building is in a defective state from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation shall not exceed the sum which the Court considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, *minus* the estimated cost of putting it into such condition or state.

(3) If, in the opinion of the Court, any building, which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials of the building, *minus* the cost of demolishing the building."

9. After section 48 of the said Act, the following section shall be deemed to be inserted namely:—

"48-A. (1) Where the Collector has not made an award under section 11 in respect of any land within a period of two years from the date of the publication of the declaration under section 6 or of the issue of a notice under clause (c) of sub-section (3) of section 40 of the Madras City Improvement Trust Act, 1945, or of the publication of a notification under section 53 of that Act, as the case may be, the owner of the land shall, unless he has been responsible for the delay to a material extent, be entitled to receive compensation for the damage suffered by him in consequence of the delay.

Compensation to be awarded when land not acquired within two years.

(2) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section."

THE COURT-FEES (MADRAS AMENDMENT) ACT, 1945.

ACT No. XVII OF 1945.

[1st September, 1945.

An Act further to amend the Court-Fees Act, 1870, in its application to the Province of Madras.

WHEREAS it is expedient further to amend the Court-Fees Act, 1870, in its application to the Province of Madras, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE COURT-FEES (MADRAS AMENDMENT) ACT, 1945.

Amendment of Schedule II, Act VII of 1870.

2. In article 18 of Schedule II to the Court-Fees Act, 1870, for the expression "Applications under section 17 or section 20 of the Second Schedule of the Code of Civil Procedure, 1908," the following shall be substituted, namely:—

"Applications under section 14 or section 20 of the Arbitration Act, 1940, for a direction for filing an award or for an order for filing an agreement."

THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1945.

ACT No. XVIII OF 1945.

[11th September, 1945.

An Act further to amend the Madras City Municipal Act, 1919.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1945.

Amendment of section 135, Madras Act IV of 1919.

2. In section 135 of the Madras City Municipal Act, 1919, for the words "at a rate not exceeding two per centum", the words "at such rate as may be fixed by the Provincial Government not exceeding five per centum" shall be substituted.

THE MADRAS REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT) ACT, 1945.

ACT No. XIX OF 1945.

[17th October, 1945.

An Act further to amend the Madras Registration of Births and Deaths Act, 1899.

WHEREAS it is expedient further to amend the Madras Registration of Births and Deaths Act, 1899, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS REGISTRATION OF BIRTHS AND DEATHS (AMENDMENT) ACT, 1945.

Amendment of section 3, Madras Act III of 1899.

2. In section 3 of the Madras Registration of Births and Deaths Act, 1899, (hereinafter referred to as the said Act)—

(i) before the definition of "village", the following definition shall be inserted, namely:—

"Plantation."

" 'plantation' means any land not less than fifty acres in extent, whether held by one person or by more persons than one as co-owners and whether in one or more blocks, which is being prepared for the production of, or actually produces, tea, coffee, pepper, rubber, cardamom or cinchona or such other products as the Provincial Government may by order duly notified specify.";

(ii) in the definition of "village", after the words "any local area", the words and brackets "(exclusive of any plantation)" shall be inserted.

Amendment of section 4, Madras Act III of 1899.

3. In section 4 of the said Act, after the words "every village", the words "or plantation" shall be inserted.

4. In section 5 of the said Act—

Amendment of section 5, Madras Act III of 1899.

(i) in sub-section (1), after the word "village" in both the places where it occurs, the words "or plantation" shall be inserted;

(ii) in sub-section (2), after the word "village", the word "plantation" shall be inserted.

Amendment of section 6, Madras Act III of 1899.

5. In section 6 of the said Act, after the word "village" in both the places where it occurs, the word "plantation" shall be inserted.

Amendment of section 10, Madras Act III of 1899.

6. In section 10 of the said Act, after the words "a village," the words "or plantation" shall be inserted.

7. In section 11 of the said Act—

Amendment of section 11, Madras Act III of 1899.

(i) after the words "a village", the words "or plantation" shall be inserted;

(ii) after the words "head of the village", the words "or, in the case of a plantation, of the person appointed by the Collector in this behalf," shall be inserted.

Amendment of section 15, Madras Act III of 1899.

8. In section 15 of the said Act, after the word "village," the word "plantation" shall be inserted.

9. In section 17 of the said Act—

Amendment of section 17, Madras Act III of 1899.

(i) for the first paragraph, the following sub-section shall be substituted, namely:—

"(1) Subject to any rules which the Provincial Government may make under section 20, any person may—

(a) (i) search any register of births and deaths at all reasonable times, on payment of a fee of four annas for each visit, or

(ii) apply in writing for a search to be made in such register by the registrar, on payment of a fee of four annas for each entry specified in the application; and

(b) obtain an extract from such register relating to any birth or death registered therein, on payment of a further fee of four annas, provided that if such extract is to be sent by post, the postal charges shall be paid in addition to such further fee.";

(ii) the second paragraph shall be numbered as sub-section (2).

Amendment of section 18, Madras Act III of 1899.

10. Section 18 of the said Act shall be lettered as sub-section (a) of that section and after the sub-section as so lettered, the following sub-section shall be added, namely:—

"(b) The District Collector may impose a penalty not exceeding twenty-five rupees on any person who, having been appointed as registrar under sub-section (1) of section 5, fails without sufficient cause to perform his duties as such."

Amendment of section 19, Madras Act III of 1899.

11. In sub-section (1) of section 19 of the said Act, after the words "the village", the words "or plantation" shall be inserted.

THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1945.

ACT No. XX OF 1945.

[18th October, 1945.

An Act further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1945

Amendment of Madras Act V of 1920.

2. In the Madras District Municipalities Act, 1920—

(i) after section 78, the following section shall be inserted, namely:—

Duty on transfers of property.

"78-A. In every municipality, a duty shall be levied on certain transfers of property in accordance with the provisions hereinafter contained in this Act.";

(ii) after section 116, the following heading and sections shall be inserted, namely:—

"Duty on Transfers of Property.

Method of assessment of duty on transfers of property.

116-A. The duty on transfers of property shall be levied in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the Province of Madras, on instruments of sale, gift and mortgage with possession of immovable property situated within the limits of a municipality, at such rate as may be fixed by the Provincial Government not exceeding five per centum on, as the case may be, the amount of the consideration, the value of the property, or the amount secured by the mortgage, as set forth in the instrument.

Provisions applicable on the introduction of transfer duty.

116-B. On the introduction of the transfer duty—

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within the limits of a municipality and outside such limits;

(b) section 64 of the same Act shall be read as if it referred to the municipal council concerned as well as the Government.

Power to make rules regarding assessment and collection of transfer duty.

116-C. The Provincial Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the municipal councils concerned and the deduction of any expenses incurred by the Government in the collection thereof."

Amendment of Madras Act XIV of 1920.

3. In the Madras Local Boards Act, 1920—

(i) after section 74-B, the following section shall be inserted, namely:—

Duty on transfers of property.

"74-C. In every district, a duty shall be levied on certain transfers of property in accordance with the provisions hereinafter contained in this Act.";

(ii) after section 110, the following heading and sections shall be inserted namely:—

"Duty on Transfers of Property."

Method of assessment of duty on transfers of property.

110-A. The duty on transfers of property shall be levied in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the Province of Madras, on instruments of sale, gift and mortgage with possession of immovable property situated in the area under the jurisdiction of a local board, at such rate as may be fixed by the Provincial Government not exceeding five per centum on, as the case may be, the amount of the consideration, the value of the property, or the amount secured by the mortgage, as set forth in the instrument.

Provisions applicable on the introduction of transfer duty.

110-B. On the introduction of the transfer duty—

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated in the area under the jurisdiction of a local board and outside such area;

(b) section 64 of the same Act shall be read as if it referred to the local board concerned as well as the Government.

Power to make rules regarding assessment and collection of transfer duty.

110-C. The Provincial Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the local boards concerned and the deduction of any expenses incurred by the Government in the collection thereof".

THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT) ACT, 1945.

ACT No. XXI OF 1945.

[1st November, 1945.

An Act further to amend the Madras Commercial Crops Markets Act, 1933.

WHEREAS it is expedient further to amend the Madras Commercial Crops Markets Act, 1933, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT) ACT, 1945.

Amendment of section 2, Madras Act XX of 1933.

2. In section 2 of the Madras Commercial Crops Markets Act, 1933 (hereinafter referred to as the said Act)—

(i) clause (i) shall be renumbered as clause (1-a) and the following shall be inserted as clause (i), namely:—

"(i) 'Collector' means the Collector of the district in which the notified area is situated or if such area is situated in two or more districts, the Collector of one of the districts designated by the Provincial Government in that behalf;";

(ii) in clause (ii), the words "of the district in which the notified area is situated" shall be omitted;

(iii) for clause (iii), the following clause shall be substituted, namely:—

"(iii) 'market' means a market established under section 4-A;".

Amendment of section 3, Madras Act XX of 1933.

3. In section 3 of the said Act, the words "comprised in the district" shall be omitted.

Substitution of new sections for sections 4 and 5, Madras Act XX of 1933.

4. For sections 4 and 5 of the said Act, the following sections shall be substituted, namely:—

Declaration of notified area.

"4. After the expiry of the period specified in the notification under section 3 and after considering such objections and suggestions as may be received before such expiry, the Provincial Government may, by notification published in the Official Gazette and in any other manner prescribed by rules made under this Act, declare the area specified in the notification under section 3 or any portion thereof to be a notified area for the purposes of this Act in respect of the commercial crop or crops specified in the notification under that section or any of them.

Establishment of market committee.

4-A. (1) The Provincial Government shall establish a market committee for every notified area. It shall be the duty of the market committee to enforce the provisions of this Act and the rules and by-laws made thereunder in such notified area.

(2) Every market committee shall establish in the notified area such number of markets providing for such facilities as the Provincial Government may from time to time direct, for the purchase and sale of the commercial crop or crops concerned.

Trading in commercial crops in notified area.

5. (1) No person shall, within a notified area, set up, establish or use, or continue or allow to be continued, any place for the purchase or sale of a notified commercial crop, except under and in accordance with the conditions of a licence granted to him by the Collector:

Provided that, after the establishment in such area of a market for the purchase and sale of a notified commercial crop, no licence for the purchase or sale of such commercial crop shall be granted or renewed in respect of any place situated within such distance of the market as may from time to time be fixed by the Provincial Government:

Provided further that the market committee may exempt from the provisions of this sub-section any person who carries on the business of purchasing or selling any commercial crop in quantities not exceeding those prescribed by rules made under this Act:

Provided also that a person selling a commercial crop which has been grown by him or a co-operative society registered, or deemed to be registered under the Madras Co-operative Societies Act, 1932, selling a commercial crop which has been grown by any of its members shall be exempt from the provisions of this sub-section but the Provincial Government may withdraw such exemption in respect of any such person or co-operative society or all of them.

(2) Nothing contained in sub-section (1) shall apply to a person purchasing for his private use a commercial crop in quantities not exceeding those prescribed by rules made under this Act.

(3) No person shall within a notified area, set up, establish or use, continue or allow to be continued, any place for the storage, weighment, pressing or processing of any notified commercial crop except under and in accordance with the conditions of a licence granted to him by the Collector:

Provided that nothing contained in this sub-section shall apply to a person in respect of any notified commercial crop grown by him.

(4) (*a*) The Collector may in his discretion grant or refuse to grant a licence under this section.

(*b*) Subject to such rules as may be made by the Provincial Government, the Collector may, on the report of the market committee and after such inquiry as he deems fit, cancel or suspend any licence granted under this section.

(5) Every person to whom a licence is granted under this section shall comply with the provisions of this Act, the rules and by-laws made thereunder and the conditions specified in the licence."

Amendment of section 6, Madras Act XX of 1933.

5. In section 6 of the said Act—

(i) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1-A) The District Agricultural Officer having jurisdiction over the notified area shall *ex officio* be a member of the market committee established for such area.

Explanation.—Where there are two or more District Agricultural Officers having jurisdiction over different portions of a notified area, the Provincial Government shall decide which of such officers shall be the District Agricultural Officer for the purposes of this sub-section.";

(ii) in clause (*a*) of sub-section (2), for the words "commercial crop or crops", the words "commercial crop or each of the commercial crops" shall be substituted;

(iii) in clause (*b*) of the same sub-section, for the expression "section 4", the expression "section 5" shall be substituted and the word "and" at the end shall be omitted;

(iv) clause (*c*) the same sub-section shall be omitted;

(v) in clause (*i*) of the proviso to sub-section (3), for the words "may appoint", the words "shall appoint" shall be substituted;

(vi) in the opening paragraph of sub-section (4), for the words "from the date of his election or appointment", the words "from the date of occurrence of the vacancy to which he was elected or appointed or from the date of this election or appointment whichever is later" shall be substituted;

(vii) in the third proviso to the same sub-section, after the words "meetings of the committee", the words "including meetings which for want of a quorum could not be held" shall be inserted;

(viii) after sub-section (4), the following sub-sections shall be inserted, namely:—

"(4-A) Any member of a market committee may at any time be removed from office by the Provincial Government for any of the reasons specified in the rules made under this Act.

(4-B) Vacancies arising by efflux of time among elected members of any market committee may be filled at elections which may be fixed by the Collector to take place on such days not earlier than two months before the date on which the vacancies arise, as he thinks fit."

Insertion of new section 6-A in Madras Act XX of 1933.

6. After section 6 of the said Act, the following section shall be inserted, namely:—

Special provision when there is delay in the reconstitution of a new committee.

"6-A. When the term of office of the members of a market committee has expired and if for any reason there is delay in the reconstitution of the committee, the Collector shall perform all the functions of the committee until it is reconstituted."

Amendment of section 9, Madras Act XX of 1933.

7. After sub-section (2) of section 9 of the said Act, the following sub-section shall be added, namely:—

"(3) The chairman, vice-chairman and every officer or servant of a market committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code."

Substitution of new section for section 11, Madras Act XX of 1933.

8. For section 11 of the said Act, the following section shall be substituted, namely:—

Levy of fees by market committees.

"11. (1) The market committee shall, subject to such rules as may be made in this behalf, levy fees on the notified commercial crop or crops bought and sold in the notified area at such rates as it may determine:

Provided that until the market committee has determined the rates of such fees, it shall levy fees at the rates specified in the Schedule to this Act.

Explanation.—For the purposes of this sub-section, all notified commercial crops leaving a notified area shall, unless the contrary is proved, be presumed to be bought and sold within such area.

(2) The fees referred to in sub-section (1) shall be paid by the purchaser of the commercial crop concerned:

Provided that where the purchaser of a commercial crop cannot be identified, the fee shall be paid by the seller."

Amendment of section 13, Madras Act XX of 1933.

9. In section 13 of the said Act, the word "and" at the end of clause (ix) shall be omitted and after clause (x), the following clause shall be added, namely:—

"(xi) such other purposes as may be authorized by the Provincial Government in this behalf by general or special order."

Amendment of section 16, Madras Act XX of 1933.

10. In section 16 of the said Act—

(i) in the first paragraph of sub-section (1), after the words "supersede such committee", the following words shall be inserted, namely:—

"for a period not exceeding two years in the first instance and may by order extend from time to time the period of supersession so however that the total period of supersession in the case of any market committee shall not exceed four years";

(ii) for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

"(2) Upon the publication of a notification under sub-section (1) superseding a market committee, the following consequences shall ensue:—

(a) all the members as well as the chairman and vice-chairman of the market committee shall as from the date of such publication be deemed to have vacated their offices;

(b) all the assets vested in the market committee shall, subject to all its liabilities, vest in the Provincial Government.

(3) When a market committee has been superseded—

(a) the Provincial Government may, at their discretion, by order appoint a suitable person or persons to carry out the functions of the committee and transfer to such person or persons the assets and liabilities of the superseded market committee as on the date of such transfer; and

(b) at any time before the expiry of the period of supersession, the Provincial Government may constitute a new committee under section 4-A and transfer thereto the assets and liabilities of the superseded committee as on the date of such transfer."

Amendment of section 17, Madras Act XX of 1933.

11. In section 17 of the said Act, for the expression "section 4", the expression "section 5" shall be substituted.

Amendment of section 18, Madras Act XX of 1933.

12. In sub-section (2) of section 18 of the said Act—

(i) in clause (i), for the words "election and appointment", the words "election, appointment and removal" shall be substituted;

(ii) in clause (iv), for the expression "section 4", the expression "section 5" shall be substituted;

(iii) after clause (v), the following clause shall be inserted, namely:—

"(v-a) the registration of buyers, sellers and buyers and sellers, in the notified area; the form in which the conditions under which such registration may be renewed; the fees to be charged therefor; and the prohibition of buying or selling of commercial crops in the notified area by persons not so registered;";

(iv) in clause (vii), the following shall be added at the end, namely:—

"and the seizure of scales, weights and measures found to be false";

(v) after clause (xiii), the following clauses shall be inserted, namely:—

"(xiii-a) the powers of auditors to disallow and surcharge items and the recovery of sums so disallowed and surcharged;

(xiii-b) the institution of provident funds."

Amendment of section 19, Madras Act XX of 1933.

13. In section 19 of the said Act—

(i) in sub-section (1), for the words "the Collector of the district", the words "the Director of Agriculture, Madras" shall be substituted, and for the words "the market under its management", the words "the notified area for which it was established" shall be substituted;

(ii) to the same sub-section, the following proviso shall be added, namely:—

"Provided that where a market committee fails to make by-laws under this sub-section within one month from the date of its establishment, the Director of Agriculture, Madras, may make such by-laws as he thinks fit and the by-laws so made shall remain in operation until the market committee has made by-laws under this sub-section."

Insertion of new section 19-A in Madras Act XX of 1933.

14. After section 19 of the said Act, the following section shall be inserted, namely:—

Power to write off irrecoverable fees, etc.

"19-A. A market committee may write off any fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if, in its opinion, such fee, amount or sum is irrecoverable:

Provided that the sanction of the Provincial Government shall be obtained for writing off any such fee, amount or sum exceeding one hundred rupees."

Amendment of section 22, Madras Act XX of 1933.

15. In section 22 of the said Act, for the words "Collector of the district," the word "Collector" shall be substituted.

Addition of new section 24 in Madras Act XX of 1933.

16. After section 23 of the said Act, the following section shall be added, namely:—

Registration of documents executed on behalf of a market committee.

"24. (1) Notwithstanding anything contained in the Indian Registration Act, 1908, it shall not be necessary for the chairman or any member or officer of a market committee to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity or to sign as provided in section 58 of that Act.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to such chairman, member or officer for information respecting the same and, on being satisfied of the execution thereof, shall register the instrument."

THE SCHEDULE.

[*See* proviso to section 11 (1)].

I.	Cotton kapas per candy of 784 lb. or part thereof	3 annas.
	Cotton lint—Loose or pressed in bales per candy of 784 lb. or part thereof.	5 annas.
II.	Groundnut pods (unshelled nuts) per bag of 80 lb. or part thereof ..	2 pies.
	Groundnut kernels per bag of 177 lb. or part thereof	6 pies.
III.	Tobacco—	
	Sun-cured leaf per candy of 500 lb. or part thereof	2 annas.
	Fluecured leaf per candy of 500 lb. or part thereof	4 annas.
	Dust and primings per candy of 500 lb. or part thereof	1 anna.
	Jutty fluecured gulla scrap per candy of 500 lb. or part thereof ..	1 anna.
	Suncured—Strips per candy of 500 lb. or part thereof	3 annas.
	Fluecured—Strips per candy of 500 lb. or part thereof	5 annas.

THE MADRAS CIVIL COURTS (AMENDMENT) ACT, 1945.

ACT No. XXII OF 1945.

[4th December, 1945.

An Act further to amend the Madras Civil Courts Act, 1873.

WHEREAS it is expedient further to amend the Madras Civil Courts Act, 1873, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS CIVIL COURTS (AMENDMENT) ACT, 1945.

Amendment of section 13, Act III of 1873.

2. In section 13 of the Madras Civil Courts Act, 1873, after the second proviso, the following proviso shall be added, namely:—

"Provided further that when the District Court or the Subordinate Judge's Court to which appeals lie is adjourned under section 30, the High Court shall have power to receive such appeals."

THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1945.

ACT No. XXIII OF 1945.

[5th December, 1945.]

An Act further to amend the Madras District Municipalities Act, 1920.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1945.

Amendment of section 71, Madras Act V of 1920.

2. In section 71 of the Madras District Municipalities Act, 1920, (hereinafter referred to as the said Act)—

(i) to sub-section (2-A), the following sentence shall be added, namely:—

"Any such municipal council, if so required by the Provincial Government, shall also sanction by special resolution, one or more posts of assistant municipal electrical engineer.";

(ii) in sub-section (4), for the words "engineer or electrical engineer", the words "engineer, electrical engineer or assistant electrical engineer" shall be substituted.

Amendment of section 72, Madras Act V of 1920.

3. In sub-section (1) of section 72 of the said Act, for the words "engineer or electrical engineer", the words "engineer, electrical engineer or assistant electrical engineer" shall be substituted.

Amendment of section 75, Madras Act V of 1920.

4. In section 75 of the said Act, for the words "a municipal engineer or a municipal electrical engineer", the words "a municipal engineer, a municipal electrical engineer or an assistant municipal electrical engineer" shall be substituted.

Amendment of section Madras Act V of 1920.

5. In section 76-A of the said Act—

(i) in clause (*a*), for the words "the municipal engineer or the municipal electrical engineer", the words "the municipal engineer, the municipal electrical engineer or the assistant municipal electrical engineer" shall be substituted;

(ii) in clauses (*b*) and (*c*), for the words "engineer or electrical engineer", the words "engineer, electrical engineer or assistant electrical engineer" shall be substituted;

(iii) in clause (*d*), for the words "engineers and electrical engineers", the words "engineers, electrical engineers and assistant electrical engineers" shall be substituted.

THE MALABAR TENANCY (SECOND AMENDMENT) ACT, 1945.

ACT No. XXIV OF 1945.

[5th December, 1945.

An Act further to amend the Malabar Tenancy Act, 1929.

WHEREAS it is expedient further to amend the Malabar Tenancy Act, 1929, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

Now, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called THE MALABAR TENANCY (SECOND AMENDMENT) ACT, 1945.

Amendment of section 14, Madras Act XIV of 1930.

2. In section 14 of the Malabar Tenancy Act, 1929, (hereinafter referred to as the said Act)—

(i) in clause (5), for the words "the landlord requires the holding *bona fide* for his own cultivation or for that of any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest therein", the following shall be substituted, namely:—

"the landlord needs the holding *bona fide* for the purpose of raising crops or other produce for his own maintenance or for that of any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest in the holding";

(ii) in clause (6), for the words "the landlord requires the holding or part thereof *bona fide* for building purposes for himself or any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest therein", the following shall be substituted, namely:—

"the landlord needs the holding or part thereof *bona fide* for the purpose of constructing a building for his own use or occupation or for that of any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest in the holding";

(iii) in the proviso, for the words "is required", the words "is needed" shall be substituted.

Amendment of section 20, Madras Act XIV of 1930.

3. In section 20 of the said Act—

(i) in clause (5), for the words "the landlord requires the holding *bona fide* for his own cultivation or for that of any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest therein", the following shall be substituted, namely:—

"the landlord needs the holding *bona fide* for the purpose of raising crops or other produce for his own maintenance or for that of any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest in the holding";

(ii) in clause (6), for the words "the landlord requires the holding or part thereof *bona fide* for building purposes for himself or any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest therein", the following shall be substituted, namely:—

"the landlord needs the holding or part thereof *bona fide* for the purpose of constructing a building for his own use or occupation or for that of any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest in the holding";

(iii) in the proviso, for the words "is required", the words "is needed" shall be substituted.

Appication of the Act to pending suits, etc.

4. Every suit for eviction under clause (5) or clause (6) of section 14 or under clause (5) or clause (6) of section 20 of the said Act instituted before the commencement of this Act and every appeal or other proceeding in respect of such suit shall be disposed of as if the said clauses as amended by this Act had been in force at the time of the institution of the suit in the Court of first instance; but nothing contained in this section shall be deemed to invalidate any decision or order of a Court which became final before the commencement of this Act.